

Exhibit 11

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action No. 7:23-CV-00897

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IN RE: CAMP LEJEUNE WATER LITIGATION)
-----)

Thursday, March 27, 2025

Videotaped Deposition of JAY L.
BRIGHAM, PH.D., a witness herein, called for
examination by Counsel for Plaintiffs in the
above-entitled matter, taken at the Offices of
Keller Postman, 1101 Connecticut Avenue, NW, Suite
1100, Washington, D.C. 20036, pursuant to
agreement, the witness being duly sworn by
Joe Strickland, RPR, CRR, CRC, a Certified
Stenographic Reporter and Notary Public in and for
the District of Columbia, the proceedings being
taken down by Stenotype by Joe Strickland, RPR,
CRR, CRC, and transcribed under his direction.

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10 On behalf of the U.S. Department of Justice,

11 Civil Division

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20 Also Present by Videoconference:

21 Deanna Havai, Motley Rice

22 Dennis Reich, Mark Doby, Sharon Sprayregen,

23 Whitney Wallace, Zina Bash, SPAC, Jmens

24

25 VIDEOGRAPHER: Bradley Loy

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C O N T E N T S

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1 P R O C E E D I N G S

2 (10:00 a.m.)

3 THE VIDEOGRAPHER: We are now on the
4 Record. My name is Bradley Loy. I am a
5 videographer for a VotTak, a Veritext division.
6 Today's date is March 27th, 2025. The time is now
7 9:59.

8 This video deposition is being held at
9 1101 Connecticut Avenue Northwest, Washington,
10 D.C. in the matter of Camp Lejeune Water
11 Litigation in the United States District Court for
12 the Eastern D of North Carolina, Southern
13 Division. The deponent is Jay L. Brigham.

14 Will counsel please identify themselves.

15 MR. HUGHES: John Hughes, Wallace and
16 Graham for the Plaintiffs.

17 MS. HURT: Cindy Hurt, for the United
18 States.

19 MR. GIBBONS: Hanley Gibbons, for the
20 United States.

21 THE VIDEOGRAPHER: The court reporter is
22 Joe Strickland, who will now swear the witness.
23 Whereupon,

24 JAY L. BRIGHAM, Ph.D.
25 was called as a witness and, having been first

1 duly sworn, was examined and testified as follows:

2 EXAMINATION BY COUNSEL FOR PLAINTIFF

3 BY MR. HUGHES:

4 Q. Sir, my name is John Hughes, I represent
5 the Plaintiffs in the Camp Lejeune Water
6 Litigation. I'll be taking your deposition. Have
7 you been deposed before in other matters?

8 A. Yes, I have.

9 Q. And normally -- what name do you prefer
10 Dr. Brigham? Professor?

11 A. Dr. Brigham is fine. Jay Brigham is
12 fine.

13 Q. Thank you. A couple of things. If you
14 don't understand one of my questions, tell me and
15 I will rephrase it. Okay? If we start to go back
16 and forth too fast, the court reporter tells me to
17 slow it down. If you need to take a break at any
18 time for any reason, just tell me you need to take
19 a break. Okay?

20 A. Thank you.

21 Q. Okay. So Dr. Brigham, when you were
22 first contacted for this matter, how long ago was
23 it? About ten months ago; is that right?

24 A. It was actually -- I remember it was
25 March 29th of last year, about a year ago.

1 Q. What makes you remember the exact date?

2 A. It was two days before my birthday.

3 Q. Sir, that does make it memorable. Do
4 you remember who contacted who? Walk me through.

5 A. On my firm's website, we received an
6 inquiry from Mr. Gibbons asking if we could talk.
7 That was passed on to me by my administrative
8 assistant and I responded in the affirmative.

9 Q. And your firm is called what?

10 A. Morgan Angel Brigham and Associates,
11 LLC.

12 Q. How long have you had that firm?
13 Roughly?

14 A. Well, I started at the firm that was
15 then known as Morgan Angel in July of 1997. I
16 became a managing partner January 1st, 2014, and I
17 added my name to it in 2022.

18 MR. HUGHES: Pause it there. One of the
19 attendings on the Zoom says he can't hear.

20 THE VIDEOGRAPHER: All should be going
21 fine.

22 MR. HUGHES: Let's keep going here.

23 BY MR. HUGHES:

24 Q. Let me try it this way. You've done a
25 number of projects for the Government?

1 A. That's correct.

2 Q. How far back in time would I have to go
3 to get to the first one?

4 A. About 1999.

5 Q. And what was that, if you remember?

6 A. I do remember. It involved a Superfund
7 CERCLA case involving Reynolds -- excuse me, it
8 was Alcoa Aluminum.

9 Q. And you mentioned CERCLA and Superfund.
10 You've had a number of cases where you were an
11 expert or consultant for the Government and it
12 involved a CERCLA Superfund site? Would be that
13 accurate?

14 MS. HURT: Objection to form.

15 THE WITNESS: Yes, that's accurate.

16 BY MR. HUGHES:

17 Q. Okay. Do you know what the ATSDR is?

18 A. I do.

19 Q. What is it?

20 A. The Agency for Toxic Substance and
21 Disease Registry.

22 Q. Okay. Have you ever dealt with the
23 ATSDR in connection with any other cases that
24 you've done as a consultant or expert for the
25 Government?

1 MS. HURT: Objection to form.

2 THE WITNESS: No, I have not.

3 BY MR. HUGHES:

4 Q. Okay. In this matter you've had people
5 assisting you doing the work; correct?

6 MS. HURT: Objection to form.

7 THE WITNESS: I've had people assisting
8 me. I've also done quite a bit of work. It's a
9 collaborative effort with my staff.

10 BY MR. HUGHES:

11 Q. And you use the word "staff" in your
12 report?

13 A. I do.

14 Q. Okay. How many people are covered by
15 that term, "staff," for purposes of this project?

16 A. The staff includes four of my senior
17 research associates and then about four more
18 research associates.

19 Q. Okay. The DOJ was kind enough to
20 provide us with some supplemental information in
21 the last day or two. It indicated some people
22 that I want to ask you about and see if they were
23 staff or if they were involved in helping with the
24 work on this project. Okay?

25 A. Okay.

1 Q. The first is Annemarie Moore. Do you
2 know if she was involved?

3 A. Yes, she was.

4 Q. And then Clara Barclay?

5 A. Yes, to a lesser degree.

6 Q. Jai -- J-A-I Alterman.

7 A. Yes, Jai Alterman was.

8 Q. Jennifer Lapp, L-A-P-P?

9 A. Yes, Jennifer was also involved.

10 Q. Karen Luu, L-U-U?

11 A. Yes, she was. Correct. Karen was also
12 involved.

13 Q. Peter James?

14 A. Yes.

15 Q. Rori Cochran?

16 A. Yes.

17 Q. Clifford -- gosh, I'm going to spell
18 this one -- O-R-A-T-O-K-H-A-I?

19 A. Yes, Oratokhai. At the beginning, but
20 he didn't have a lot of involvement.

21 Q. Sarah, with an H, Casella,
22 C-A-S-E-L-L-A?

23 A. Yes, again her -- she was also involved,
24 more so at the beginning.

25 Q. Daphne N-G-O?

1 A. Yes, Daphne was last summer.

2 Q. Randy Scott?

3 A. He was also involved.

4 Q. And Jenna Hill -- J-E-N-N-A Hill. Was
5 she involved?

6 A. Yes, she was.

7 MR. HUGHES: And when we go off, I can
8 give you any spellings.

9 BY MR. HUGHES:

10 Q. And it looks like the amount of the
11 bills that your firm has sent to date to the
12 Government for the work on this cases and out at a
13 little over \$843,000. Does that sound correct?

14 A. Yes, approximately correct, yeah. Yes,
15 excuse me. I should say yes.

16 Q. At any time -- strike that.

17 Can you think of any other staff that
18 helped you on the project besides the ones we
19 named?

20 A. The other name that appears on some of
21 those would be Ari Kelman.

22 Q. Kelman, the other historian expert the
23 Government has retained?

24 A. Yes.

25 Q. Have you looked at his report?

1 A. I did see it, yes.

2 Q. During the time that you and your staff
3 have worked on this project, did you ever review
4 the website called The Few, the Proud, the
5 Forgotten that is maintained by Michael Partain
6 and Jerry Ensminger?

7 A. At the very outset of our research, we
8 were trying to locate source information. I found
9 that website. I briefly looked at it and I asked
10 Dr. Moore to look at it. And then we quickly
11 found a lot of other resources or source material,
12 most importantly at the time was The Globe, and we
13 turned our attention to that.

14 Q. Okay. When you say Moore, is that
15 Annemarie Moore?

16 A. I'm sorry, yes. Annemarie Moore.

17 Q. And she goes by Dr. Moore?

18 A. She does go by Dr. Moore. She is a
19 doctor, but we don't call her Dr. Moore in the
20 office.

21 Q. I understand. And did you all look at
22 the timelines that or the timelines that are on
23 The Few and the Proud website?

24 A. I have seen the timeline, yes.

25 Q. Do you recall if there is a timeline

1 entry for the ABC Dry Cleaners?

2 A. I do.

3 Q. Do you remember if that references the
4 year 1953 in one place?

5 A. I do.

6 Q. And I think it references the year 1954
7 in another?

8 MS. HURT: Objection to form.

9 BY MR. HUGHES:

10 Q. Do you remember if it does or not?

11 A. I'm unsure as I sit here today.

12 Q. But you can recall how in the opening
13 pages in the chronology when it gets to ABC Dry
14 Cleaners, it references the year 1953?

15 A. Yes, I remember that and.

16 Q. And there is a link to deposition pages
17 from the Victor Melts, the owner; right?

18 A. Yes, that is correct.

19 Q. Now, your staff was able to get with
20 ahold of some Yellow Page's for ABC Dry Cleaners;
21 right?

22 A. Yes.

23 Q. How did you get them?

24 A. I sent initially Ms. Cacella to city
25 directories, as they used to be called before they

1 were called telephone books. I asked Ms. Cacella
2 to go to the Library of Congress and take a look
3 at these city directories for the City of
4 Jacksonville, North Carolina.

5 Q. Why, if you remember, why were you
6 focused on the start date of ABC Cleaners?

7 A. Initially we'd been asked -- I'd been
8 asked by the Department of Justice to try to see
9 and verify when the ABC Cleaners started
10 operations. So that is why I sent Ms. Cacella to
11 the Library of Congress to look at those as you
12 referred to them as Yellow Pages.

13 Q. What you would refer to them as?

14 A. Telephone directories.

15 Q. Okay. Do you know if anyone had
16 undertaken such an effort at any time in the past
17 before did you go to look at Yellow Pages ads for
18 ABC Dry Cleaners with reference to trying to
19 figure out when it opened?

20 MS. HURT: Objection to form.

21 THE WITNESS: Not to my knowledge, no.

22 BY MR. HUGHES:

23 Q. Why didn't the Government go look at it
24 back in, say, 1990 when the site was first being
25 called a Superfund site and your team started

1 getting involved?

2 MS. HURT: Objection to form and
3 foundation.

4 THE WITNESS: I have no idea.

5 BY MR. HUGHES:

6 Q. Are you aware that the timelines on The
7 Few and the Proud Web site has been out for over a
8 decade?

9 MS. HURT: Objection to form.

10 THE WITNESS: I know it's been up there
11 for a number of years. I don't recall exactly
12 when it was first posted. I know Mr. Partain took
13 over the stewardship of it, but I don't know when
14 it was originally posted.

15 BY MR. HUGHES:

16 Q. Have you, as a historian in this matter,
17 focused us on any topics regarding lost or missing
18 documents?

19 MS. HURT: Objection to form and
20 foundation.

21 THE WITNESS: I was told -- I've been
22 told a number of times a lot of documents at Camp
23 Lejeune were destroyed during Hurricane Florence
24 in 2018. I've heard that, I've been told that,
25 which is unfortunate, obviously. Not all the city

1 directories for the city of Jacksonville are at
2 the Library of Congress. We've tried to locate
3 them elsewhere. We have been unable to. I think
4 that's the extent of the concern with the missing
5 and lost documents.

6 BY MR. HUGHES:

7 Q. Okay. Do you know whether there were
8 logs kept historically regarding when the
9 different supply lines were turned on or off for
10 purposes of the water systems at Lejeune?

11 MS. HURT: Objection to form.

12 THE WITNESS: I've heard discussions
13 that such information exists. I've never seen
14 such a log, no.

15 BY MR. HUGHES:

16 Q. Did you make any effort in connection
17 with this case to find out if there were still any
18 logs?

19 A. I did not.

20 Q. Why not?

21 A. It was my understanding that other
22 experts retained by the United States were working
23 on such information.

24 Q. Would you agree as a historian one part
25 of a historian's task is to find out whether

1 documents are available or not in connection with
2 a topic that you research? Would that be a fair
3 statement?

4 MS. HURT: Objection to form.

5 THE WITNESS: I think it was a fair
6 statement, but I was not asked to examine, or
7 study I perhaps should say -- excuse me -- when
8 the logs were turned on and off.

9 BY MR. HUGHES:

10 Q. And you weren't asked to study or
11 research whether any well logs might still be in
12 existence?

13 A. I was not asked to do that, no.

14 Q. And you haven't been informed by any
15 other expert by the U.S. of any information in
16 that regard; correct?

17 A. I have not.

18 Q. Okay. You were asked to look at the
19 start date of ABC Dry Cleaners; right?

20 A. Yes.

21 Q. And whether the 1953 date was accurate;
22 right?

23 A. Yes.

24 Q. Okay. In your entire original report
25 there is no indication that you interviewed any

1 witnesses who had resided there during the
2 statutory period; is that right?

3 A. That is correct. There is no reference.

4 Q. Why didn't you interview any?

5 A. As I've indicated in my rebuttal report,
6 I'm not a practitioner of oral history for reasons
7 that I discuss. For that matter, how I would be
8 able to interview people who might be a party to
9 this litigation.

10 Q. Have you tried asking?

11 A. No.

12 Q. Okay. In past expert reports you've
13 done, would you agree that from time to time you
14 have cited to depositions or other testimony by
15 historical witnesses; correct?

16 A. I don't remember all the reports. I may
17 have done that a few times. I have cited to
18 newspaper articles that contain speeches or
19 statements is a better word by people. But I
20 think that's different than an oral history or
21 interview.

22 Q. Right. But you've cited to things like
23 testimony in past cases?

24 A. I may have. Again, I've written a lot
25 of reports. I'm trying to think of one that comes

1 to mind.

2 Q. Do you remember it was the case
3 involving the TCE and the question was whether the
4 U.S. Government had used it during World War II
5 versus private companies -- I think Beach was one
6 of them I think at the site was called Harrington.
7 Do you remember that?

8 A. Yes. In my CV it's the Raytheon case
9 and it was Harrington. And I did talk about the
10 deposition transcript of Colonel Bickerstaff. And
11 if my recollection is correct, that was written in
12 2007, that part I'm sure.

13 Q. I think that's right.

14 A. I think Colonel Bickerstaff made an
15 error in his recollection of what was going on at
16 Harrington as far as cleaning spark plugs for
17 B29s.

18 Q. In reviewing the report from that case,
19 it appears that there were parts of what he was
20 saying that you thought were valid or and there
21 were other parts when where you were raising
22 questions about it. Would that be fair way to
23 discuss it?

24 MS. HURT: Objection to form.

25 THE WITNESS: I characterized -- I'm

1 sorry; I did not think he was correct when he
2 stated that the B29s used the Bosch spark plugs.

3 BY MR. HUGHES:

4 Q. Right. But other parts of his testimony
5 like about B29s, you were not challenging; fair?

6 A. Again, you know that report was written
7 18 years ago. I don't remember. I think my
8 recognition as I sit here today is my primary
9 point of challenge was the Bosch spark plugs.

10 Q. And he was testifying more than 40 years
11 after World War II; right?

12 A. If my memory serves me right, that was a
13 preservation deposition taken in the late 90s.

14 Q. Okay.

15 A. So it would certainly be at least four
16 decades or more after he would have been stationed
17 at Harrington Army Airfield.

18 Q. And you would agree that testimony by a
19 living witness who had gone through historical
20 events decades earlier can have value? That is a
21 general statement.

22 MS. HURT: Objection to form.

23 THE WITNESS: Well, again, as a general
24 statement, I will agree with that. But testimony,
25 like all historical evidence that historians use,

1 needs to be evaluated. My assignment for the
2 Harrington Army Airfield case was if TCE was used
3 or not used. And that is why I focused on the
4 Bosch spark plug comments, and not really his
5 other comments about B29s.

6 I do now recall that he said they had a
7 TCE vapor degreaser there that had been made, but
8 we never found any reference to that either. And
9 there were other discussions. But really the
10 point of reference and the point of my interest
11 was the Bosch spark plugs.

12 Q. I understand. Are you aware that there
13 are oral histories on the U.S. Marines website for
14 people that served at Lejeune as far back as the
15 40s?

16 A. I just have become aware of that, yes.

17 Q. Why didn't you review any of those in
18 connection with any of your work in this matter?

19 A. I did. My staff and I -- myself in
20 conjunction with my staff, we did an extensive
21 review of the websites, and I never came across
22 those oral histories. I never became aware of
23 them until recently.

24 Q. Have you looked at them now that you
25 have been aware of them?

1 A. I have not. One of my staff members is
2 taking a cursory look at some of them.

3 Q. And they're addressed in one of the
4 Longley's reports, which we will get to him. Have
5 you reviewed Longley's -- all of his reports?

6 A. Yes.

7 Q. Do you know what a BUMEDS is --
8 B-U-M-E-D-S?

9 A. I do not.

10 Q. Or NAVNEDS, N-A-V-N-E-D-S?

11 A. I believe I have seen that word, but I
12 don't recall what it means.

13 Q. Are you aware that there are historical
14 regulations pertaining to the Navy and to the
15 operation of its bases and sometimes they are
16 called by in shorthand things like NAVNED?

17 A. I now realize -- I think you are using
18 the shorthand. So BUMED might be Bureau of
19 Medicine.

20 Q. Yes.

21 A. And NAVNED would be navigation -- I
22 don't remember the rest of it.

23 Q. Do you know whether a complete set of
24 the historical Navy regulations exists to cover
25 the only time period from say the 40s to the 80s?

1 A. I don't know if a complete set exists,
2 no.

3 Q. And I take it you haven't been asked in
4 this case to go look into that topic; correct?

5 A. That is correct.

6 Q. Okay. You were asked to specially look
7 into the task of when ABC Dry Cleaners started;
8 right?

9 A. Yes.

10 Q. But you were not asked to look into the
11 topic of say when any of the landfills or waste
12 dumps at Hadnot Point were being used or not;
13 correct?

14 MS. HURT: Objection to form.

15 THE WITNESS: That is correct.

16 BY MR. HUGHES:

17 Q. Did you make any effort to see if any
18 family members are still alive that would have
19 recollections about ABC Dry Cleaners?

20 A. No, I did not.

21 Q. Why not?

22 A. It honestly never occurred to me. We
23 had his deposition. We had the second deposition
24 of his wife and we had other documents.

25 Q. It appears that in your report, which I

1 will get to in a second, you site things like the
2 Yellow Pages ads, ads for a grand opening in 1954;
3 correct?

4 A. Yes.

5 Q. Okay. But it's possible that a business
6 can start operating and then have its grand
7 opening after a delay; correct?

8 A. That's possible.

9 Q. Have you talked to any former
10 servicemembers who resided or worked at Camp
11 Geiger? Any former servicemembers who resided, or
12 lived, had duties at the Camp Geiger region of
13 Camp Lejeune between the 50s and the 80s. Have
14 you spoken to any eyewitnesses that would fit into
15 that category in connection with this project?

16 MS. HURT: Objection to form.

17 THE WITNESS: No.

18 BY MR. HUGHES:

19 Q. Why not?

20 A. Again, I'm not sure how I would be able
21 to speak to these people given this litigation.
22 And I really prefer, to the degree I'm able to, to
23 use written documentation or the records.

24 Q. Part of what your report talks about is
25 the question travel of service members who might

1 have been based at a place like Geiger or Montford
2 Point and Hadnot Point or Mainside; correct?

3 A. Among other places on base.

4 Q. Okay. And wouldn't you agree that one
5 relevant source of information on the issue of
6 travel from a place like Montford Point or Camp
7 Geiger to Hadnot would be the recollections of
8 survivors who actually were there during
9 historical times?

10 MS. HURT: Objection to form.

11 THE WITNESS: Again, that's a
12 possibility.

13 BY MR. HUGHES:

14 Q. When we talk about the issue of
15 traveling from Montford Point to Hadnot Point,
16 we're talking about individual habits of
17 servicemembers; correct?

18 A. Yes, that's -- you know, the individual
19 habits and the individual choices to travel or not
20 to travel, whether or not on duty.

21 Q. Right. And so we're talking about
22 activities of human beings; correct?

23 MS. HURT: Objection to form.

24 THE WITNESS: Yes, human actions and
25 human activities.

1 BY MR. HUGHES:

2 Q. And so would you agree with me that
3 since we're talking about human activities, it may
4 be relevant to talk to the actual humans that did
5 those activities? Wouldn't that be intuitively
6 correct as a matter of historical methodology? Or
7 do you disagree with that?

8 A. I am not sure I do entirely agree with
9 that, given the number of years that would have
10 passed between 50s and 60s to the present. I
11 would surmise many years have passed since the 70s
12 and 80s. But, again, I'm just not sure how
13 fruitful such an inquiry would be about the number
14 of times somebody would have traveled or not
15 traveled from Johnson, Geiger, Court House Bay to
16 Mainside.

17 Q. But you haven't even looked; right?
18 Have you read any depositions of Plaintiffs in
19 this matter?

20 A. Yes.

21 Q. You have? Okay. Which ones have you
22 read?

23 A. Let's see. Mr. Urquhart -- and I've
24 cited them in my --

25 Q. Did you cite Zinni? Z-I-N-N-I?

1 A. Yeah, General Zinni.

2 Q. And Urquhart?

3 A. Yes, thank you for the pronunciation.

4 Q. I don't know if I have it right. Maybe
5 Jacquelyn Fuchs?

6 A. Yes.

7 Q. Those ones. Okay. Are you aware that
8 there are other depositions as well of other
9 Plaintiffs in the case?

10 A. I'm aware that there are some other
11 depositions taken as part of the litigation, yes.

12 Q. So, for example, are you aware there is
13 a deposition of a guy named Benz? Does that ring
14 a bell?

15 A. No.

16 Q. Don't you think it would be useful to
17 review those depositions where those witnesses
18 under oath are commenting on what their activities
19 were at Camp Lejeune during the statutory period
20 and where they traveled?

21 MS. HURT: Objection to form.

22 THE WITNESS: Again, my concern, as I
23 pointed out, is I find so much contradictory
24 evidence and information in depositions, I really
25 try to stay away from using it.

1 BY MR. HUGHES:

2 Q. Do you think servicemembers who are
3 under oath can give truthful testimony?

4 A. I'm sorry; I didn't hear the last part.

5 Q. Do you think that former servicemembers
6 being deposed under oath can give truthful
7 testimony?

8 A. I don't think anybody is intentionally
9 being dishonest. I just think the human memory as
10 the years pass kind of plays tricks on all of us,
11 myself included.

12 Q. One of the communities you speak about
13 in your report is Camp Johnson; correct?

14 A. Yes.

15 Q. Do you know who Jerry Ensminger is?

16 A. Yes.

17 Q. Do you know if Jerry Ensminger was ever
18 stationed at Camp Johnson?

19 A. Yes, he was.

20 Q. How do you know that?

21 A. If my recollection is right, it may have
22 been in his deposition and in a recent video that
23 Dr. Longley did with Mr. Ensminger and
24 Mr. Partain.

25 Q. First the deposition. Did you read the

1 deposition of Jerry Ensminger?

2 A. I believe I did, yes.

3 Q. Do you site it in your reports?

4 A. I don't site it. It should be in my
5 reliance material.

6 Q. In your reports though, I don't believe
7 there is citation of any deposition testimony by
8 Mr. Ensminger or anyone else who spent time at
9 Lejeune. Is that fair?

10 A. No, I don't think that is correct. I
11 did make reference to Mr. Urquhart and a couple of
12 other people in my February -- I believe it was
13 February 7th report when I was talking about
14 reasons that I don't particularly use deposition
15 testimony.

16 Q. Why did you not consider Jerry
17 Ensminger's testimony about what he did at Camp
18 Johnson if one of your topics was what
19 servicemembers did at Camp Johnson?

20 A. Well, I had -- I think I have a very
21 good idea of what I did write about and what I
22 cite to about what was going on at Camp Johnson
23 and the military occupations, specialities, and
24 schools, and other things.

25 Q. Why not cite to any of the depositions

1 of the people that were there?

2 A. As I said, I'm very wary of using
3 deposition testimony because I see a lot of
4 contradictions in it. I'm not sure --
5 Mr. Urquhart said everything that was filled at
6 Hadnot Point, but then there were a lot of filling
7 stations all over the base. That seems somewhat
8 contradictory to me.

9 Q. Do you think the deposition testimony is
10 something that a historian can consider as part of
11 methodology?

12 A. It's certainly something you can
13 certainly consider it, yes.

14 Q. Do you think that sworn affidavits or
15 sworn declarations under oath are materials that a
16 historian can consider as part of his or her
17 historical methodology?

18 A. I think they can be considered. But as
19 I believe I testified to not too long, they have
20 to be weighed and considered along with other
21 sources.

22 Q. And one of the historian's jobs is to
23 weigh and consider different sources of evidence
24 and different incoming information; correct?

25 A. Yes.

1 Q. Okay. And as additional information
2 comes in, a historian may, as a matter of
3 methodology, need to revise, amend, or correct
4 what they said earlier; right?

5 A. That's part of a process of historical
6 writing.

7 Q. And in this case, Dr. Longley issued an
8 initial report which identified President Nixon as
9 having been at Camp Lejeune. You remember that?

10 A. Yes, I do.

11 Q. And your report refuted that and showed
12 evidence that President Nixon never was at Camp
13 Lejeune during the time period; correct?

14 A. Yes, that's correct.

15 Q. And a supplemental report where he found
16 that President Kennedy had been at Lejeune in the
17 60s and I think President Reagan had been at
18 Lejeune. Do you remember that?

19 A. Yes. Kennedy obviously in the early 60s
20 and I believe President Reagan was in 1983 after
21 the Beirut disaster, for lack of a better word.

22 Q. Before you saw that in Dr. Longley's
23 report, were you aware that Kennedy or Reagan had
24 been at Lejeune during the time period?

25 A. When I was reviewing The Globe, I

1 remember seeing an article that President Kennedy
2 was going to view an amphibious landing operation
3 at Onslow Beach. I remember seeing the picture of
4 Dr. Longley included with President Kennedy with
5 the Shah. And as part of that review, I think I
6 did see pictures of President Reagan and his wife
7 at Camp Lejeune in 1983.

8 Q. So you saw those before you saw
9 Longley's report; is that correct?

10 A. Yes, in fact the photo of President
11 Reagan came from a 2018 Jacksonville newspaper
12 article that Dr. Moore located.

13 Q. But yet you didn't put any of that
14 information about Kennedy coming to Camp Lejeune
15 or about Reagan coming to Camp Lejeune in your own
16 reports. And so what you are telling me is your
17 staff, when you found the information about
18 Kennedy at Lejeune, found the information about
19 Reagan at Lejeune, and did not put either of those
20 pieces of information in your reports; correct?

21 MS. HURT: Objection to form.

22 THE WITNESS: I think there is no doubt
23 that Presidents have visited Camp Lejeune. I
24 think Roosevelt was the first. Johnson went. As
25 part of what my research task were questions I was

1 asked to address -- I'm not saying those are not
2 important, but they were not germane to what I was
3 writing about in my report. I could write a
4 report with all of those types of people visiting.
5 It would be a very long report, but it certainly
6 could have been done.

7 BY MR. HUGHES:

8 Q. Don't you think it's germane if there is
9 an issue, if you go out of your way to say
10 Dr. Longley was incorrect. President Nixon wasn't
11 there.

12 MR. HURT: Objection to form.

13 THE WITNESS: Which begs the question
14 were other Presidents there, but then you don't
15 even mention that. Do you see what I'm talking
16 about?

17 MS. HURT: Objection to form.

18 THE WITNESS: I understand your
19 questions. I just don't know that I agree with
20 it. We were reviewing Dr. Longley's report for
21 accuracy and we found these inaccuracies. And so
22 that's why I wrote about them in my February
23 report.

24 BY MR. HUGHES:

25 Q. Right. And the reason why Longley had

1 cited to the Nixon photo was he was trying to
2 establish that major figures would come to Hadnot
3 and speak and, therefore, servicemembers and
4 others would come to see them. Do you remember
5 that topic in Longley's report?

6 MS. HURT: Objection to form.

7 THE WITNESS: I do.

8 BY MR. HUGHES:

9 Q. Okay.

10 A. I do remember that discussion, and I do
11 not disagree with Mr. Longley that people went to
12 Hadnot Point to see such speakers. Speakers such
13 as an important person like a President or a
14 Governor, Secretary of Defense, whoever it may be,
15 as well as entertainment. I don't disagree with
16 the characterization that Hadnot Point was the
17 center of activity at Camp Lejeune.

18 Q. You don't disagree with that?

19 A. No, my point is that there were other
20 areas of Camp Lejeune as well.

21 Q. I understand. A historical
22 methodology -- can we call it a search for the
23 truth, or no?

24 A. Well, that begs the question: What is
25 historical truth? You say that every generation

1 writes its own history. That doesn't mean all
2 past generations were being dishonest.

3 Q. Right.

4 A. All historians, whether it is
5 Dr. Longley, Dr. Kelman, or myself, are doing our
6 best to seek an understanding of what we are
7 writing about, doing this kind of public history
8 or academic history.

9 Q. You mentioned public history. Do you
10 agree this there is a category called the public
11 historian?

12 A. Yes, I very much agree that there is a
13 field of public history. There is a journal about
14 public history. I consider the work that I do,
15 and those who work for me, as a form of public
16 history. Public history, I've heard told, is a
17 very broad area that can include -- a person I was
18 in graduate school with the Director of the
19 American Museum at the Smithsonian. That is
20 public history. People who work there are public
21 history. There are all kinds of fields of public
22 history.

23 Q. Okay. You know if Michael Partain would
24 be reasonably called a public historian?

25 A. I believe he -- based upon his

1 activities, research activities and his education,
2 I think he fits the bill.

3 Q. Okay. So am I correct that one topic
4 you and your team were not asked to look at was
5 the history of the disclosure of information
6 regarding the opening of ABC Dry Cleaners?

7 MS. HURT: Objection to form and
8 foundation.

9 THE WITNESS: I want to make sure I
10 understand your question. So when you say the
11 disclosure, do you mean previous attempts to
12 locate information on the opening?

13 BY MR. HUGHES:

14 Q. What I mean is the contamination is
15 discovered, according to the timelines, around
16 1980. Does that match your recollection looking
17 at the general facts?

18 A. Yeah, 1980, the early 1980s concern
19 started to be expressed.

20 Q. At that point we had some empirical
21 water sampling and lab analysis of samples from
22 the base. Do you have a general understanding
23 that that happened?

24 A. I do.

25 Q. Okay. Now, Mike Partain's timeline,

1 which has been up more than ten years, reflects
2 his efforts as a public historian with regard to
3 the Lejeune issue. Okay? In his timeline he
4 talks how, for some of these lab tests, there was
5 a question about where did all the copies of it
6 go? Or were there any backup materials? Were
7 there any materials that the lab had that the
8 Government didn't have?

9 Am I correct that you were not given any
10 assignment to go and look at that topic? The
11 topic of whether there were any other laboratory
12 documents defines from that 1980s time period?
13 That was not a topic for you; correct?

14 MS. HURT: Objection to form.

15 THE WITNESS: That's correct.

16 BY MR. HUGHES:

17 Q. And with ABC Dry Cleaners, you're aware
18 that Lejeune was declared a Superfund site by the
19 early 90s; right?

20 A. Yes, I am.

21 Q. And that triggered the involvement of
22 the ATSDR; correct?

23 A. Yes, it would have.

24 Q. And the ATSDR was then involved for a
25 series of many years, and one thing they tried to

1 do was gather information; correct?

2 A. Yes, that was part of their task to
3 understand was to collect information to enable
4 them to understand it.

5 Q. And in fact were you aware that there
6 were agreements entered into between the ATSDR and
7 other governmental agencies or departments like
8 the Navy, in which those other departments and
9 agencies agreed to provide information to the
10 ATSDR?

11 MS. HURT: Objection to form.

12 THE WITNESS: I am not surprised such
13 agreements exist, but I haven't actually looked at
14 an agreement. I know the National Research
15 Council and other government entities were
16 involved, but -- or did investigations, I should
17 say.

18 BY MR. HUGHES:

19 Q. Right. And as of the ATSDR using the
20 Victor Metz deposition and referring to the
21 timeline that the public historian, Mike Partain,
22 had up, they went with 1953 as the start date for
23 ABC Dry Cleaners; correct?

24 MS. HURT: Objection to form.

25 THE WITNESS: Yes, I believe August of

1 1953 is the date -- or the month and the date, I
2 should say.

3 BY MR. HUGHES:

4 Q. And the fact that the ATSDR was relying
5 on that date, based on deposition testimony, that
6 was something that was known and public all the
7 way back in the 90s, wasn't it?

8 MS. HURT: Objection to form.

9 THE WITNESS: Yeah, in the 90s, whenever
10 it was first stated.

11 BY MR. HUGHES:

12 Q. And yet, it doesn't appear that anyone a
13 lot the Government tried to find additional
14 information to challenge this 1953 date until now
15 involving your team; correct?

16 MS. HURT: Objection to form.

17 THE WITNESS: Not to my knowledge.

18 BY MR. HUGHES:

19 Q. And I'm right, am I not, that your team
20 has not been asked to look at the topic of why
21 didn't the Government go look at this issue
22 before? That's not a topic you were assigned to
23 look at as a historian; correct?

24 A. That's correct.

25 Q. And you've not been asked to look at the

1 topic of whether the Government should be estopped
2 from now trying to introduce new evidence on the
3 start date of '83 when for so long they were
4 allowing the ATSDR to rely on the 1953 start?

5 MS. HURT: Objection to form and
6 foundation.

7 THE WITNESS: I believe I understand
8 what an estop is. I don't have legal training.
9 If you give me a quick definition, it may help me
10 give you a better answer.

11 BY MR. HUGHES:

12 Q. The word is estoppel.

13 A. Estoppel.

14 Q. It means, for example, if someone gives
15 an affidavit and says the street light was red and
16 they use this in a case, and in another case they
17 give an affidavit and say the street light was
18 green, the law at some point would estop you from
19 changing your position. Do you know what the word
20 spaliatian means?

21 MS. HURT: Objection to form and
22 foundation.

23 BY MR. HUGHES:

24 Q. S-P-A-L-I-A-T-I-A-N.

25 A. I'm familiar with the word spaliatian,

1 but not maybe in a legal sense. I didn't
2 pronounce it right either.

3 Q. You would agree that in historical
4 research one challenge is the relative
5 availability or nonavailability of historical
6 documents; correct?

7 A. Yes.

8 Q. All right. But you've not been asked
9 here to look at any issues regarding whether facts
10 that are now coming out, like these Yellow Pages
11 ads, should have come out 20 years ago if the
12 Government was going to rely on them?

13 MS. HURT: Objection to form. John, you
14 have asked and answered this question several
15 times.

16 BY MR. HUGHES:

17 Q. I understand. But you would agree with
18 that?

19 A. We were not tasked to do that, no.

20 Q. Now, the Lejeune time period that opens
21 in the 50s and closes for the 80s for purposes of
22 a statute; correct?

23 A. Yes, my understanding it is August 1st
24 of 1953 through December 31st, 1987.

25 Q. Someone born in 1950 would be 75 years

1 ago today; correct?

2 A. Well, depending on when they were born
3 in 1950, but approximately 75.

4 Q. Someone who was at the base in 1950 at
5 the age of 20, they would be around 95 years old
6 today if they were still alive?

7 A. Approximately, yes.

8 Q. Someone who was at Lejeune at age 20 in
9 1960 would be 85 today; correct?

10 A. Yes.

11 Q. Someone who while at the base in 1970
12 was age 20, if they are still alive today would be
13 age 75; correct?

14 A. You said they were 20 in 1970?

15 Q. So if they are 20 in 1960 they are about
16 85 years old today. If they were 20 in 1970 they
17 are about 75 years old today. If they were 20 in
18 1985, they would around 50 years old today;
19 correct?

20 A. That sounds -- I think so, yes.

21 Q. Someone who alleged in utero exposure
22 when the mother was pregnant at Lejeune at Tarawa
23 Terrace around the 1985, if they are born in 1985
24 they would be around age 40 today.

25 MS. HURT: Objection to form.

1 THE WITNESS: Correct.

2 BY MR. HUGHES:

3 Q. There are different references to the
4 total number of people that may have passed
5 through the gates of Lejeune during that time
6 period could have been a million people. Have you
7 seen that?

8 A. I have seen numbers of around a million,
9 yes.

10 Q. And given what I just walked you through
11 in terms of longevity and dates, would you agree
12 it's reasonable to conclude that there are
13 thousands of people alive today that lived or
14 worked at Lejeune during that statutory time
15 period?

16 MS. HURT: Objection to form.

17 THE WITNESS: Yes.

18 BY MR. HUGHES:

19 Q. Okay. And your team has not interviewed
20 a single one of them; correct.

21 A. Correct.

22 Q. Are you aware that there is a
23 court-ordered repository of documents in this
24 case?

25 A. I don't know if I am or not.

1 Q. I take it you've never -- you and your
2 staff have never gone to look at the documents in
3 a court ordered repository in this case?

4 A. I know we've never had such an
5 undertaking, no.

6 Q. Are you aware that sometimes in large
7 litigations a permanent archive of repository
8 documents would be created?

9 A. Yes.

10 Q. Would you agree from a historian's
11 perspective that could be a good thing to help
12 preserve historical information; correct?

13 A. It's certainly possible, yes.

14 Q. Would you agree that if the court were
15 to order a permanent repository archive of all the
16 Lejeune documents and data that have been brought
17 forward for this litigation, if a court ordered
18 that, from a historian's perspective that would be
19 a good thing?

20 MS. HURT: Objection to form.

21 THE WITNESS: Well, as a historian, I'd
22 like to have everything kept.

23 BY MR. HUGHES:

24 Q. So is that a yes?

25 A. Yes.

1 Q. Okay. Let's take our first break.

2 THE VIDEOGRAPHER: We are off the record
3 at 10:49.

4 (Whereupon, the deposition was recessed
5 at 10:49 a.m.)

6 THE VIDEOGRAPHER: We are on the record
7 at 10:55 a.m.

8 BY MR. HUGHES:

9 Q. Dr. Brigham, I wanted to walk through
10 your first report dated December 9, 2024, with you
11 for awhile. Let me have a copy of it handed to
12 you.

13 (Whereupon, Deposition Exhibit
14 No. 1 was marked for
15 identification.)

16 THE WITNESS: Thank you.

17 BY MR. HUGHES:

18 Does this just look at a surface glance
19 like a copy of your report from December of last
20 year?

21 A. Yes, it does. There may be some extra
22 marks here and there, but it certainly looks like
23 it's my -- a copy of my report.

24 Q. Yes, sir. If you go to page 1, you
25 reference to the question: Environmental

1 Litigation Section of the Civil Division of the
2 United States Department of Justice. Have you
3 ever been an expert in a case that was brought
4 against the Government?

5 A. No, I have not.

6 Q. You've never been an expert for a party
7 that was making a claim against a Federal
8 Government department or agency; correct?

9 A. Well, I've been approached -- I probably
10 get calls two or three times a year from law firms
11 interested in retaining me and my company.
12 However, I'm usually conflicted out.

13 Q. You have done, and your firm has done, a
14 significant number of matters for the Federal
15 Government; correct?

16 A. I mean, how do we define significant?
17 But yes, most of our work has been for the Federal
18 Government.

19 Q. You've never done an expert report for a
20 company that was suing the U.S. Government in
21 which you were supporting the company against the
22 Government; correct?

23 A. That's correct.

24 Q. And you've never done an expert report
25 on behalf of an individual Plaintiff or claimant

1 who has been bringing a claim against the Federal
2 Government say for a personal injury?

3 A. That's correct.

4 Q. In connection with this report, did you
5 go to the base?

6 A. I did.

7 Q. How many times did you go to the base?

8 A. Once.

9 Q. When was it?

10 A. In late May of 2024.

11 Q. How long were you there, if you
12 remember?

13 A. I arrived on Monday afternoon and
14 departed -- I remember it was Monday the 20th or
15 21st and departed Thursday evening -- Thursday
16 afternoon flying home Thursday evening.

17 Q. Monday through Thursday, more or less?

18 A. Well, I arrived at Raleigh like at 4:00
19 or 5:00 in the evening and drove over.

20 Q. So Tuesday, Wednesday on the base?

21 A. Part of Thursday.

22 Q. Do you remember when you stayed? Did
23 you stay on base or off the base?

24 A. I stayed at Hampton Inn in Jacksonville.

25 Q. Did you have any staff with you for the

1 visit?

2 A. No.

3 Q. Did any of your staff visit separately
4 from you to go to the base?

5 A. One individual did.

6 Q. Who was?

7 A. That was Roy Cochran.

8 Q. If you know, why did Roy go to the base?

9 A. He went down to the base shortly after
10 Labor Day to go to the Harriet B. Smith Library to
11 image the base guides that I reference in my
12 report.

13 Q. Had you ever been to the base before?

14 A. No.

15 Q. When you went to the base, tell me how
16 it transpired. Did you have a tour guide? Did
17 you drive yourself around? Walk me through it.

18 A. I arrived in Jacksonville on Monday
19 evening. On Tuesday, I met an individual at the
20 Wilson Gate who drove me to the Harriet B. Smith
21 Library where I was scheduled to meet somebody who
22 wasn't there. They were surprised to see me, but
23 they showed me where their collection of historic
24 material is. They weren't documents; they were
25 books and what have you.

1 I looked at those for several hours and
2 then I returned to my hotel. The following day, I
3 was part of a tour of the base accompanied by a
4 number of DOJ lawyers.

5 Q. Tell me about your tour. Where did you
6 go, to the extent you can remember?

7 MS. HURT: I am going to instruct the
8 witness not to discuss any conversations covered
9 under the attorney work product that might have
10 occurred between Mr. Brigham and the staff and the
11 United States Department of Justice and your
12 client.

13 MR. HUGHES: Yes, ma'am.

14 BY MR. HUGHES:

15 Q. So anything said to the lawyers, or what
16 was said to you, I don't want to hear it. Was
17 Hanley Gibbons with you?

18 A. Yes.

19 Q. Okay. Did you go to different places on
20 the base in this tour?

21 A. We were given a presentation and then
22 this was the first day. We met with a group of
23 Marines and civilians. And then we were given an
24 impromptu tour from like the Hadnot Point area
25 down to Onslow Beach and that was it for the day.

1 Q. Okay.

2 A. And then the following day we were given
3 a more formal and structured tour of the base.

4 Q. Tell me about that. Where did you go on
5 the more formal and structured tour?

6 A. We were picked up there at the Wilson
7 Boulevard entrance, driven around -- on a Marine
8 bus, driven around to various points and Hadnot
9 Point. We were shown some of the remaining few
10 remaining H-style barracks. The Hadnot Point
11 water treatment plant was pointed out to us.

12 Q. Did you go into any of the H-style
13 barracks?

14 A. We did.

15 Q. Did you see the bathing areas, showers?
16 That kind of things?

17 A. I briefly poked my head and saw the
18 openness of it. I believe my recollection is that
19 this particular H-style barrack had been
20 remodeled.

21 Q. Okay. Did you see the Goettge Field
22 House auditorium?

23 A. I don't recall if we drove by that or
24 not.

25 Q. Did you see the Whitman parade grounds?

1 A. Yes, I believe we did go by there.

2 Q. Did you see any of the churches at
3 Hadnot Point?

4 A. I don't recall passing a church.

5 Q. Did you go by the new Naval Hospital
6 site or the old Naval Hospital site?

7 A. We went by the old Naval Hospital site.

8 Q. During this time, did you say there were
9 some Marines there and some civilians, but I take
10 it you didn't talk to anybody who might have spent
11 time at Lejeune back in the 50s to the 80s;
12 correct?

13 A. I believe that's correct, yes.

14 Q. And part of your purpose of going to
15 Lejeune, the base, was to access the library
16 facilities or the archive facilities; is that
17 right?

18 A. That was part of my purpose. When I
19 knew this was coming together, I wanted to look at
20 the library.

21 Q. One focus of your report is the
22 relationship between the outlying areas of
23 Montford and the Hadnot area. Did you do anything
24 on that tour to look at the travel distances or
25 how long it took to get from one part of the base

1 on the another? Anything like that?

2 A. As I previously answered, we did drive
3 the first day down to Onslow Beach, the
4 recreational area, and went through some training
5 sites and things like that.

6 And then on the following day, we did
7 drive by where the ABC One-Hour Cleaners had once
8 stood. I believe we came back on base and then we
9 were driven in the Marine bus down to Camp Geiger
10 and looked around Camp Geiger. And then on the
11 way back to the Wilson Gate, we went through the
12 Marine Corps Air Station New River.

13 Q. To get on the base, do you have to go
14 through a gate?

15 A. Well, we had to go through the Wilson
16 Gate. I think we went through it two or three
17 times. And then we exited the base. I believe we
18 went down Highway 17 and we went through another
19 gate and we had to entered the Camp Geiger area.

20 Q. What time of year was it when you went
21 there?

22 A. Early May.

23 Q. What was the weather like? Do you
24 remember?

25 A. It was clear. I would say it was warm.

1 I don't recall it being like very, very hot. I'm
2 a person who think it's very hot in Charlotte. It
3 wasn't unpleasant out.

4 Q. Okay. Before this case, did you know
5 who Kyle Longley was?

6 A. I did.

7 Q. How did you know who he was?

8 A. I met Dr. Longley in September of 1996.
9 When I first saw his name, I knew I knew him from
10 somewhere. And when I looked at his CV I
11 remembered. Of course he taught at Arizona State
12 University. I believe he started the 95-96
13 academic year. I taught there during the 96-97
14 academic year. I was introduced to him. I
15 remember the meeting quite clearly. I remember
16 him telling me he had worked with George Herring,
17 which intrigued me because two years earlier I
18 taught a course on the Vietnam war and I used
19 Dr. Herring's book, America's Longest War.

20 I remember Dr. Longley telling me he was
21 writing a book on Al Gore, Senior. I must have
22 raised an eyebrow, because he said "senior" and
23 not "junior." Of course, it was a presidential
24 year.

25 Q. Yes, sir. Okay.

1 A. I do remember that. And again, it's a
2 big campus, big department, and I don't think I
3 had any other encounters with him that year.

4 Q. Have you ever looked at Dr. Longley's
5 publications before this case?

6 A. No.

7 Q. On page 2 of your report, you reference
8 -- the first full paragraph down -- it says: Camp
9 Lejeune was serviced by nine water treatment
10 plants, WTPs, during the statutory period from
11 1953 to 1987. You see that; correct?

12 A. Yes.

13 Q. The next sentence says: The Agency For
14 Toxic Substances and Disease Registry, ATSDR,
15 researched and determined that that the Tarawa
16 Terrace and Hadnot Point WTPs at Camp Lejeune were
17 affected by contaminated water sources containing
18 the chemicals at issue in this case.

19 Did I read that correctly?

20 A. Yes, you did.

21 Q. It's your understanding that the ATSDR
22 researched the water situation at Lejeune;
23 correct?

24 A. Yes.

25 Q. And it's your understanding that the

1 ATSDR spent a period of years doing that; correct?

2 A. I know it was a number of years. I
3 don't know exactly how many years.

4 Q. The ATSDR studied the Tarawa Terrace
5 water treatment plant, for example, over those
6 years; correct?

7 A. Yes.

8 Q. And the ATSDR determined that the Tarawa
9 Terrace water treatment system was contaminated by
10 certain chemicals during the period of time;
11 correct?

12 A. Yes, it's my understanding that the
13 primary contaminant was PCE.

14 Q. That's also called perchloroethylene;
15 correct?

16 A. That's correct.

17 Q. It's also called tetrachloroethylene;
18 right?

19 A. Yes.

20 Q. And the tetra, did you know, refers to
21 the four chlorine atoms on the molecule?

22 A. Yes.

23 Q. If you take one of them off, it reduces
24 or degrades to something called trichloroethylene
25 or TCE. Do you know that?

1 A. I do.

2 Q. TCE was at issue in the Harrington case
3 we talked about, Raytheon; correct?

4 A. Correct.

5 Q. The tri in TCE refers to the three
6 chlorine atoms; correct?

7 A. Yes.

8 Q. If you knock one of those atoms off, you
9 get down to dichloroethylene, which has two
10 chlorine atoms. Are you aware of that?

11 A. I am aware of that.

12 Q. Tetrachloroethylene doesn't exist in
13 nature, does it?

14 A. That's my understanding.

15 Q. It's a synthetic artificial chemical
16 that was invented by humans about a century ago.
17 Does that sound right?

18 A. About a century ago. These chemicals we
19 are now talking about were 20th century
20 discoveries, is my understanding.

21 Q. And they are usually in a genre called
22 chlorinated solvents; correct?

23 A. Yes.

24 Q. The chlorinated comes from the chlorine
25 atoms?

1 A. Yes.

2 Q. Solvent refers to properties that these
3 chemicals have; right?

4 A. Yes, one primary use is solvents.

5 Q. So, for example, perchloroethylene has a
6 solvent nature that allows it to be used to get
7 dirt and oil and grease off of fabrics in a dry
8 cleaning process, for example; correct?

9 MS. HURT: Objection to form.

10 THE WITNESS: That's one of the things
11 that was it was used for.

12 BY MR. HUGHES:

13 Q. In fact, one of the other uses that you
14 found talks about how ABC used Dupont Perclean;
15 right?

16 A. Yes.

17 Q. Which is a form of -- it's a trade name
18 for perchloroethylene; correct?

19 A. Yes.

20 Q. Did you research to see anything else
21 about that Perclean? For example, what percentage
22 of the liquid was perchloroethylene in the
23 Perclean? Did you do any work like that?

24 A. No.

25 Q. Why not?

1 A. I know what it is. It's a chlorinated
2 solvent. A very toxic one. I've never done
3 anything more into that.

4 Q. Do you know whether Perclean is
5 100 percent PCE versus 90 percent?

6 A. I don't know for sure. I know there are
7 various grades of TCE, so there certainly could be
8 different grades of PCE. But I have not done such
9 research.

10 Q. And you were asked to research that;
11 correct?

12 A. No.

13 Q. All right. Now, there was a water
14 treatment plant, for example, at Camp Johnson
15 Montford Point; right?

16 A. Yes.

17 Q. In this case, the Plaintiffs have not
18 alleged that the ATSDR found that that water
19 treatment system was contaminated; correct?

20 A. That is my understanding.

21 Q. And sitting here today as a historian,
22 you have no reason to argue that the Camp Johnson
23 system was contaminated; correct?

24 MS. HURT: Objection to form.

25 THE WITNESS: No, I don't.

1 BY MR. HUGHES:

2 Q. You accept the inference that the Camp
3 Johnson system was not contaminated; is that
4 correct?

5 A. I accept that inference. And, of
6 course, the Government's water expert, Dr. Remy
7 Hennet agreed with that. I agree with both of
8 their assessments.

9 Q. And ATSDR is part of the Government too;
10 right?

11 A. Yes, they are.

12 Q. And Morris Maslia was with the ATSDR
13 during much of this work; correct?

14 A. For a long time, yes.

15 Q. And you cited to one or more of Maslia's
16 ATSDR publications in your report?

17 A. That's correct.

18 Q. And one of the publications you cited
19 had to do with the water modeling. Are you aware
20 that the ATSDR did water modeling to estimate the
21 levels of perchloro and trichloro and other
22 chemicals that were in the water system?

23 A. I am aware that type of work was done.

24 Q. And in your report you say the ATSDR
25 determined that Tarawa and Hadnot systems were

1 affected by contaminated water; correct? That's
2 what you said at the top of page 2; right?

3 A. Yes.

4 Q. And you have not been asked to look at
5 whether the ATSDR's water modeling estimates were
6 accurate or inaccurate; correct?

7 A. I was not. And if I had been, I
8 wouldn't be qualified to do that, I don't think.

9 Q. But as a historian, you have accepted
10 the fact, you have recited the fact that the ATSDR
11 found that the Tarawa system was contaminated;
12 correct?

13 A. As I said, I accepted that ATSDR finding
14 which Dr. Hennes confirmed.

15 Q. Okay. And so sitting here today from a
16 historian's perspective, you have no reason to
17 dispute the ATSDR's conclusion that the Tarawa
18 system historically was contaminated by one or
19 more of these chemicals; correct?

20 MS. HURT: Objection to form.

21 THE WITNESS: I don't dispute that.

22 BY MR. HUGHES:

23 Q. And you have no reason to dispute their
24 estimates of the concentration levels of those
25 chemicals in the water; correct?

1 MS. HURT: Objection to form and
2 foundation.

3 THE WITNESS: That's correct.

4 BY MR. HUGHES:

5 Q. All right. Now, and you've not tried to
6 interview or reach out to anyone like Dr. Maslia
7 in doing your historical work; right?

8 A. No.

9 Q. Now in the next paragraph down in
10 page 2, you reference how trainees at Camp Geiger
11 and Montford Point, Camp Johnson had, quote:
12 Lengthy travel distances to Mainside. Do you see
13 that?

14 A. I do.

15 MS. HURT: Objection to form.

16 BY MR. HUGHES:

17 Q. So the travel distance from Montford
18 Point, Camp Johnson to Mainside, how long would it
19 have taken to ride one of the free buses from Camp
20 Johnson to Mainside back in the sixties? Do you
21 know?

22 A. I do not know. But my basis for
23 "lengthy" comes from the document review. It was
24 cited in the report that there was concern about
25 the length of travel time from Johnson, Geiger,

1 over to Mainside.

2 Q. I remember that document, and it said
3 that they wanted to be able to shorten the travel
4 time; right?

5 A. Right. Which was challenging because
6 it's a military base.

7 Q. Sure. And it implies -- they would not
8 have a need to observe the travel time or try to
9 shorten it unless there was a need to do so,
10 because people were traveling; correct?

11 A. If I understand your question, you are
12 asking if the fact that they studied it implies
13 there was a travel time issue?

14 Q. No, it implies there was traveling going
15 on.

16 A. Yes, it would suggest that there was
17 traveling going on.

18 Q. One thing Mr. Benz said in his
19 deposition was it would take about 15 minutes on
20 the bus to get down from the Geiger or Montford
21 area to Mainside. Would that sound about right to
22 you, or not?

23 A. I don't recall.

24 Q. Don't you think the firsthand witness
25 accounts of how long the travel time was on the

1 bus would be relevant to your analysis about
2 whether people would tend to stay in Montford
3 versus the going to Mainside?

4 A. I think it could -- it might bear on it.
5 But as I said, the documents talk about a lengthy
6 travel time. And people certainly could have
7 chosen to make that trip. One of the points in my
8 report is that there were some amenities that made
9 such a trip unnecessary.

10 Q. But the first source of evidence for a
11 given person would be their own recollection,
12 wouldn't it?

13 MS. HURT: Objection to form.

14 THE WITNESS: That would be that one
15 individual's recollection.

16 BY MR. HUGHES:

17 Q. Right. And so if the issue was did
18 Mr. Benz have enough exposure to the contaminated
19 water at Mainside to contribute to cause his
20 disease. His own testimony about how often he
21 went to Mainside, from a historian's perspective,
22 that would be relevant information to consider;
23 right?

24 MS. HURT: Objection to form.

25 THE WITNESS: I mean, for that

1 particular individual. That would have to be done
2 on an individual basis.

3 BY MR. HUGHES:

4 Q. When you say "lengthy" in your report on
5 page 2, how many minutes do you mean?

6 A. I was using that word in that analysis
7 from the base documents. I don't recall them
8 defining lengthy, although there were traffic
9 problems as the years passed.

10 Q. I don't know they defined it either. So
11 did you do any further work to try to figure out
12 what they meant by lengthy?

13 A. No.

14 Q. Why not?

15 A. I'm not sure how would I would undertake
16 that to find the Marine Corps definition of
17 "lengthy" at the time of those reports.

18 Q. If you read the trial presentation --
19 deposition of Mr. Benz, you could see what he said
20 was the travel time.

21 A. That was would have been Mr. Benz's
22 recollection, yes.

23 Q. It would. Would that be a helpful piece
24 of information potentially?

25 MS. HURT: Objection to form.

1 THE WITNESS: Potentially.

2 BY MR. HUGHES:

3 Q. If we gave you his deposition, would you
4 be willing to review it?

5 A. I wouldn't have a problem reviewing a
6 deposition.

7 Q. Have you reviewed the oral history video
8 that Professor Longley did with Mr. Ensminger and
9 Mr. McElhiney?

10 A. I did listen to it. Yes, I reviewed it.
11 I saw it.

12 Q. Okay. Did you believe that followed an
13 acceptable format for an oral history interview?

14 A. I'm not sure if it did or not, sir.

15 Q. Is that out of your area?

16 A. I'm not an expert on oral histories.
17 The reason I just answered as I said is I thought
18 several of Dr. Longley's questions were perhaps
19 framed in such a way to elicit a response.

20 Q. I understand. And that could be an
21 issue with oral histories is is the questioner
22 asking questions that are slanted or framed one
23 way or another; correct?

24 MS. HURT: Objection to form.

25 THE WITNESS: Yes.

1 BY MR. HUGHES:

2 Q. Okay. And one reason why the court
3 system relies on sworn testimony of witnesses is
4 because of cross-exhibition where opposing parties
5 can ask questions from their opposing perspective
6 to try to derive the truth. Are you aware of that
7 process used in the judicial system?

8 MS. HURT: Objection to form.

9 THE WITNESS: I am aware of that.

10 BY MR. HUGHES:

11 Q. Are you aware of how, in connection with
12 oral histories, one technique that can be done to
13 make it more accurate and useful is to negotiate a
14 series of questions involving different
15 stakeholders, that there is an agreement that the
16 questions are fair and reflect multiple
17 stakeholders' point of view?

18 MS. HURT: Objection to form.

19 THE WITNESS: I am aware of such
20 histories being done where there is one set of
21 questions being asked and people being interviewed
22 are being asked the same set of questions.

23 BY MR. HUGHES:

24 Q. Do you believe that taking oral
25 histories of Camp Lejeune survivors that is done

1 with an objective set of questions could be a
2 helpful technique or historical methodology to
3 better understand the facts of Camp Lejeune for
4 the water contamination?

5 MS. HURT: Objection to form.

6 THE WITNESS: I think this is a
7 possibility. Again, given the length of time
8 between the end of the statutory period at the end
9 of 1987 to the present, I still think we need to
10 be careful about human memory.

11 BY MR. HUGHES:

12 Q. I understand. We need to be careful and
13 that is part of an historian's job; right?

14 A. Yes.

15 Q. Okay. But all else being equal, if the
16 court in this case were to order that as part of
17 appropriate relief for the Plaintiffs, an oral
18 history project be undertaken of survivors, from a
19 historian's perspective -- if it was done right --
20 that could potentially be of useful benefit;
21 correct?

22 MS. HURT: Objection to form.

23 THE WITNESS: If it was done correctly
24 by accepted practices and oral historians, people
25 who are in agreement from all sides, yeah. I

1 think it could be useful.

2 BY MR. HUGHES:

3 Q. And in today's day and age, we are able
4 to do an oral history remotely if we have to;
5 right? We could do it over Zoom if we had to;
6 correct?

7 MS. HURT: Objection to form.

8 THE WITNESS: We certainly could do
9 that. I think doing such things in person would
10 be preferable.

11 BY MR. HUGHES:

12 Q. It could be, yeah. Also, would you
13 agree as a historian that the technology for data
14 collection and preservation today are
15 significantly ahead of where they were, say,
16 30 years ago?

17 MS. HURT: Objection to form.

18 THE WITNESS: Absolutely.

19 BY MR. HUGHES:

20 Q. Okay. For example, it would be possible
21 today to take DNA samples from original survivors
22 and store those for future scientific use. Are
23 you aware of that?

24 A. I know DNA samples can be taken and
25 preserved for a number of reasons. So it

1 certainly could be the Camp Lejeune people and
2 other people as well.

3 Q. And blood samples could be taken of
4 Lejeune survivors with their consent; correct?

5 MS. HURT: Objection form.

6 THE WITNESS: I would think so.

7 BY MR. HUGHES:

8 Q. And as to Lejeune servicemembers who had
9 died, for example, DNA samples -- those samples
10 could be taken of their descendants, their
11 children; correct?

12 MS. HURT: Objection to form.

13 THE WITNESS: Yes, that is my
14 understanding.

15 BY MR. HUGHES:

16 Q. Okay. And are you aware that DNA
17 samples using today's technology can be analyzed
18 for purposes of determining whether there were
19 exposures to stressors that can be cancer causing
20 and that can cause DNA damage? Are you aware that
21 that is possible today?

22 MS. HURT: Objection to form and
23 foundation.

24 THE WITNESS: I don't know -- I don't
25 think I was aware of that.

1 BY MR. HUGHES:

2 Q. Is that outside of your area?

3 A. Yes.

4 Q. All right. On page 2 of your report it
5 says that ABC One Hour Cleaners likely opened in
6 June 1954, later, and not 1953 as related by the
7 ATSDR. Do you see that?

8 A. Yes.

9 Q. If you compare that to what you say at
10 the beginning of your report, in page 2 you say:
11 Likely opened. Why do you use the word "likely"
12 there?

13 A. I don't think historians -- I probably
14 make the mistake myself, but we should be careful
15 of speaking with absolute certainties.

16 Q. I understand. On page 26 of your
17 report, last line top paragraph, it says:
18 However, as explained in greater detail below, ABC
19 One Hour Cleaners did not open till June of 1954.
20 Did I read that sentence correctly?

21 A. You did.

22 Q. The first sentence on page 2 says
23 "likely." The second sentence doesn't say
24 "likely," it just says: Did not open until June
25 1954. So which one am I supposed to go with?

1 A. I would go with one of the conclusion
2 and if I was drafting that sentence on page 26, I
3 would add the word "likely."

4 Q. Okay. And that's an iterative aspect to
5 history. Right? The historical method is
6 sometimes you have to correct things; right?

7 MS. HURT: Objection to form.

8 THE WITNESS: As I said, yes, you do
9 have to correct things. I said earlier, every
10 generation likes to write its own history.

11 BY MR. HUGHES:

12 Q. I understand. So in Dr. Longley's case,
13 he had to correct the Nixon reference; right?

14 A. Yes.

15 Q. And there was a demonstrative photo of a
16 water buffalo which was captioned as being at
17 Hadnot, but it wasn't. He had to correct that;
18 correct?

19 A. Correct.

20 Q. There was a photo of the Holcomb
21 Boulevard water treatment plant which I believe he
22 was -- said the photo was dated from one year but
23 it was actually dated from another year. You
24 remember that?

25 A. Yes.

1 Q. And in his subsequent reports, following
2 your identification of those errors, he tried to
3 fix them; correct?

4 MS. HURT: Objection to form.

5 THE WITNESS: Yes.

6 BY MR. HUGHES:

7 Q. And that's a proper part of an
8 historical methodology; right?

9 MS. HURT: Objection to form.

10 THE WITNESS: Yes.

11 BY MR. HUGHES:

12 Q. Water buffalos -- on the bottom of page
13 2 they talk about water buffalos.

14 A. One moment. Okay. I'm there.

15 Q. So first, you reference water buffalos
16 or water bulls. Where did get the phrase "water
17 bulls"? Do you remember?

18 A. I do remember. When I was on base in
19 May of this past year, we were told by Marines
20 that they call them water bulls. So I put both in
21 to try to be inclusive.

22 Q. Yes, sir. Okay. Do you have an
23 understanding of how the historical water buffalos
24 were filled mechanically. In other words, do you
25 have an understanding of whether they were filled

1 through a manhole at the top or through some
2 assembly on the front, or something like that?

3 MS. HURT: Objection to form.

4 THE WITNESS: In looking at the diagrams
5 of the water buffalos, as I call them in my
6 report, I noticed on the older ones there is not
7 the fill hole at the front, so they had to be
8 filled some other way. On the newer ones there is
9 a fill hole, there is a manhole. And that is
10 about my extent of how a water buffalo would be
11 filled.

12 BY MR. HUGHES:

13 Q. So do you have any opinions as to
14 whether the historical water buffalos that were
15 used at Lejeune were filled from the top or the
16 front or some other way? Is that something that
17 you have an opinion on or not?

18 MS. HURT: Objection to form.

19 THE WITNESS: I don't have an opinion
20 for this case on that.

21 BY MR. HUGHES:

22 Q. Do you have an opinion on whether a
23 water buffalo back in the day could be filled by
24 some other means than a standpipe?

25 MS. HURT: Objection to form.

1 THE WITNESS: I believe Mr. Ensminger
2 said in some notes that Dr. Longley later provided
3 that they could be filled with a fire hose, from
4 behind with a fire hose, although it would be
5 dangerous.

6 BY MR. HUGHES:

7 Q. Is it your understanding that Hadnot
8 Point had one or more standpipes that could be
9 used to fill water buffalos during the statutory
10 period?

11 A. Yes.

12 Q. You are not an environmental engineer;
13 is that correct?

14 A. That's correct.

15 Q. You are not a chemical engineer?

16 A. That's also correct.

17 Q. You are not a genetic scientist?

18 A. That is also correct?

19 Q. You are not an epidemiologist?

20 A. I am not an epidemiologist.

21 Q. But you are a historian?

22 A. Yes, I am an historian.

23 Q. You have a methodology for reviewing
24 texts for accuracy; correct?

25 A. Yes.

1 Q. You have a methodology for reviewing
2 texts for reliability; correct?

3 A. Yes.

4 Q. You found be the ATSDR texts that you
5 cited in your report to be reliable; correct?

6 MS. HURT: Objection to form.

7 THE WITNESS: Correct.

8 BY MR. HUGHES:

9 Q. All right. You've referenced Dr. Remy
10 Hennessey. Did you talk to him or have you just
11 looked at his report?

12 MS. HURT: Objection. I'm going to
13 instruct the witness not to talk about his
14 substantive conversations that he may have had
15 with other experts for the United States. Under
16 CMO17 paragraph 3, those type of communications
17 are protected from disclosure.

18 MR. HUGHES: I'm fine if it is
19 bilateral. Counsel, as to the retainer agreements
20 of experts, is that also out of bounds?

21 MS. HURT: Yes.

22 Okay. Thank you.

23 THE WITNESS: Could you restate your
24 question.

25 BY MR. HUGHES:

1 Q. I'll just strike it and we will get to a
2 new question.

3 Page 7. On page 7 at the bottom you
4 say, last paragraph, page 7, quote: The ABC One
5 Hour Cleaners, the source of contamination for the
6 Tarawa Terrace WTP and service area, is shown by a
7 red square on image Number 3.

8 Did I read that right?

9 A. Yes, sir.

10 Q. If you believed that the ATSDR was
11 unreliable, you would not have said that ABC One
12 Hour Cleaners was the source of contamination for
13 the Tarawa WTP; is that correct?

14 MS. HURT: Objection to form.

15 THE WITNESS: In this instance, yes.

16 BY MR. HUGHES:

17 Q. Do you know whether the ATSDR simply
18 determined that there was one part per billion of
19 TCE or did they go further than that? Do you know
20 one way or the other?

21 A. My understanding is they went further
22 than that to identify parts per billion.

23 Q. And if you look at the bottom of page 8
24 of your report, you say Maslia 2016 reconstructing
25 historical VIC concentrations in drinking water

1 for epidemiological studies at a U.S. military
2 base. Do you see that?

3 A. Yes.

4 Q. And you have not challenged that
5 publication in any respect in your report;
6 correct?

7 MS. HURT: Objection to form.

8 THE WITNESS: That's correct.

9 BY MR. HUGHES:

10 Q. You don't challenge the fact that they
11 found that Tarawa and Hadnot were contaminated by
12 these chemicals; correct?

13 A. No, I don't challenge that. As I said
14 Dr. Hennes agrees with me -- agrees with ATSDR, I
15 should say.

16 Q. And you don't challenge the estimated
17 levels of the chemicals that the ATSDR concluded
18 that were in the water during the relevant times
19 either; correct?

20 MS. HURT: Objection to form and
21 foundation.

22 THE WITNESS: Correct.

23 BY MR. HUGHES:

24 Q. As far as you know, those estimates are
25 reliable; correct?

1 MS. HURT: Objection to form and
2 foundation.

3 THE WITNESS: That's correct.

4 BY MR. HUGHES:

5 Q. Now. As to ABC One Hour Cleaners, are
6 you aware that there was some talk in the
7 documents about another cleaners called Glamorama.
8 Do you remember that?

9 A. I do.

10 Q. Did you make any effort, or has your
11 team made any efforts, to see whether there were
12 any facts of relevance of Glamorama as a potential
13 contributor to the chemicals?

14 A. I do recall seeing some information, and
15 my recollection is that the points per billion
16 discharged from Glamorama were two parts per
17 billion, which was under, I believe, the 5 point
18 per billion threshold for toxicity for TCE.

19 Q. Were you asked by the Government to go
20 look at Glamorama and see if there was additional
21 information that could be gleaned historically?

22 A. I was not.

23 Q. With respect to Hadnot, you referenced
24 the landfill area and the industrial areas as the
25 sources of contamination for Hadnot. Do you see

1 that on page 7?

2 A. Yes.

3 Q. Where did you get that information?

4 A. Again, from the ATSDR report and Image 3
5 of my report.

6 Q. Are you aware of the fact it was not
7 until a dark website was found and accessed by
8 people like Tom Townsend, who is now deceased --
9 it was not until then that documents were located
10 that indicated that upwards of a million gallons
11 of fuel might have been leaked from the fuel pump
12 historically?

13 MS. HURT: Objection to form and
14 foundation.

15 THE WITNESS: I'm aware that a website
16 was discovered that listed -- I don't recall --
17 but underground storage tanks.

18 BY MR. HUGHES:

19 Q. Yes, sir. How did you become aware of
20 that, if you remember?

21 A. Just as part of my document review.

22 Q. Do you recall that that's something
23 mentioned on The Few, the Proud website that
24 Mr. Partain and Mr. Ensminger maintained?

25 A. I don't recall.

1 Q. On their website and timeline they refer
2 to numerous documents that they could only get
3 ahold of in redacted form. Are you familiar with
4 any of those references on their timeline in their
5 website?

6 A. I believe Mr. Partain discussed that in
7 the recent interview that Dr. Longley did.

8 Q. As a historian, have you or your team
9 undertaken any efforts to see whether your client,
10 the Government, could give you unredacted copies
11 of any of those documents?

12 A. No.

13 Q. Why not?

14 A. We weren't asked to do that. This is
15 why, as I said, I just became aware of that
16 recently.

17 Q. Do you know sitting here today whether
18 there are other documents out there that would
19 help shed light on the leaks over time from the
20 fuel farm at Hadnot Point?

21 A. I do not know one way or another. The
22 world of documents could be pretty large.

23 Q. Yes, sir. Page 13 of your report you
24 reference Naval Hospital.

25 A. Okay. I'm on page 13. Thank you.

1 Q. And you refer that at that time the next
2 closest hospital was 50 miles away; correct?

3 A. Yes.

4 Q. And you're aware that there was a Naval
5 Hospital facility near the Hadnot Point
6 historically; correct?

7 A. I'm not sure how you would describe
8 near, but certainly the Naval Hospital was on
9 Hadnot Point.

10 Q. Let me try it this way. Would you agree
11 that the Naval Hospital historically was fed by
12 the Hadnot Point water treatment plant?

13 A. Well, I would say it was fed by the
14 Hadnot Point water treatment plant until the
15 Holcomb Boulevard water treatment plant went
16 online.

17 Q. And that information comes from where?

18 A. That information comes from -- I think
19 if I look back on my earlier image, from the image
20 of where the various water treatment plants -- let
21 me rephrase that -- where the areas of Hadnot
22 Point served by Hadnot Point, and then after
23 Holcomb Boulevard, between Wallace Creek and the
24 Northeast Creek when Holcomb Boulevard went on in
25 June of '72.

1 Q. I understand. But that information came
2 from the ATSDR; correct?

3 A. Yes.

4 Q. And you accept that information as
5 reliable; correct?

6 A. Well, you also have other documentary
7 evidence, such as the image we have already
8 discussed that Dr. Longley collected. That comes
9 online in 1972, so we actually have some other
10 documents for that.

11 Q. If I was a Marine at Montford Point in
12 the 60's and I broke my ankle, where would I go?

13 MS. HURT: Objection to form.

14 THE WITNESS: Initially, I suspect you
15 might go to the local clinic. And then if you
16 need surgery and setting, you would go to the
17 Naval Hospital.

18 BY MR. HUGHES:

19 Q. And the Naval Hospital had Hadnot Point
20 water at that time?

21 A. You said, I believe, in the 1960s?

22 Q. The 60s.

23 A. Yes.

24 Q. That would be a reason why a
25 servicemember at Montford Point might have had to

1 travel to a facility that was on Hadnot Point
2 water; right?

3 MS. HURT: Objection to form.

4 THE WITNESS: A broken ankle certainly
5 would be.

6 BY MR. HUGHES:

7 Q. Okay. All right. The buses at
8 Lejeune -- you have seen examples of the bus
9 schedules in the historical back issues The Globe;
10 right?

11 A. Yes.

12 Q. And the buses, do you know if they were
13 free to ride for servicemembers historically?

14 A. That's my understanding.

15 Q. And are you also aware of something
16 called the cattle cars?

17 A. Yes.

18 Q. What are those, to the extent you know?

19 A. To the extent I know, just a larger --

20 Q. Bus type thing?

21 A. -- bus type thing where a greater number
22 of people could be moved at once.

23 Q. Okay. Did you do any work to try to --
24 were you able to find any data that would show us
25 how many people were riding these buses from

1 different areas of Lejeune back in the 60s?

2 MS. HURT: Objection to form.

3 THE WITNESS: No, I didn't see any data
4 about how many people rode the buses.

5 BY MR. HUGHES:

6 Q. Okay. If we go to page 22 in your
7 report.

8 A. I'm there.

9 Q. Yes. Is this a table you compiled on
10 page 22?

11 A. Yes, it is.

12 Q. And so the water treatment plant for
13 Hadnot Point was online by 1942 as best we can
14 tell historically; correct?

15 A. Yes, I believe the fall of '42.

16 Q. And so it was still pumping as of the
17 year 2000; correct?

18 A. Yes.

19 Q. The Hadnot Point water treatment plant
20 was in use throughout our statutory time period;
21 correct?

22 A. Yes.

23 Q. So Tarawa Terrace, that water plant
24 started in 1952 as best you can tell from
25 historical records; is that correct?

1 A. Yes, it is.

2 Q. And it was still functioning into 1987;
3 correct?

4 A. Yes. And they're offline in 1987, but I
5 don't remember exactly when during that year.

6 Q. And that's -- going offline was in the
7 ATSDR publications; correct?

8 A. Yes.

9 Q. All right. You said you went by the
10 site where ABC One Hour Cleaners used to be?

11 A. That's correct.

12 Q. Did you also look at the site where the
13 Tarawa Terrace water supply well was that was
14 proximate to the ABC site?

15 MS. HURT: Objection to form.

16 THE WITNESS: Yes.

17 BY MR. HUGHES:

18 Q. Tell me what you remember about that.

19 A. Well, we were on the bus tour and we
20 exited the base turning, I guess, to the east.
21 And we couldn't stop, I believe because of Marine
22 Corps regulations. But we slowed down and were
23 shown where the ABC One Hour Cleaners had once
24 been standing. And then we continued down and we
25 turned back on to the base. And then we did stop

1 where I think where well 26 had been located.

2 Q. How far away was it?

3 A. Well, I don't know exactly, but it
4 wasn't a very long time before we made the right
5 turn back onto the base.

6 Q. Could you see the one place from the
7 other? In other words, if you were standing where
8 the ABC site was, could you see down where the
9 well was or were there trees in the way? Do you
10 remember that?

11 A. We never got off the bus, but I suspect
12 that would have been possible.

13 Q. Okay. You have not been asked to look
14 at any of the history of things like the nature of
15 the soil or the nature of the aquifers at Lejeune;
16 correct?

17 MS. HURT: Objection to form.

18 THE WITNESS: I have never looked at
19 nature of the aquifers. I read about them very
20 early as part of my orientation. I read a little
21 bit about the soils, but that's not -- I'm not a
22 soil scientist or hydrologist.

23 I do recall very early planning on the
24 base discussion that they are going to have to
25 plant a lot of trees, since it had all been farm

1 land.

2 BY MR. HUGHES:

3 Q. On page 26 of your report you cite to
4 the deposition of Mr. Melts; correct?

5 A. Yes, that's correct.

6 Q. And you cite to how the ATSDR cited to
7 the Melts deposition; correct? That's at the top
8 of the page.

9 A. Yes, footnote 75 is reference to the
10 ATSDR documents.

11 Q. Yes.

12 A. And then that continues into footnote 76
13 and footnote 77.

14 Q. Are you aware that Mr. Melt's deposition
15 is linked on the timeline on the website, The Few,
16 the Proud?

17 A. Yes.

18 Q. And you are aware that there are places
19 in that deposition where Mr. Melts testifies to
20 the effect that ABC was running in 1953; correct?

21 MS. HURT: Objection to form.

22 THE WITNESS: Correct.

23 BY MR. HUGHES:

24 Q. Okay. If we keep going, on page 27 we
25 have an image on the Camp Lejeune High School

1 yearbook from 1954; correct?

2 A. Yes.

3 Q. How did you all find that, if you know?

4 A. This was -- I was made aware of that by
5 the DOJ. I went to Classmates.com and bought my
6 own copy -- reproduction of this document.

7 Q. Okay. Do you know why the Model and
8 Hobby Shop ad is reversed on the right-hand side?
9 It's upside down.

10 A. Yes, it's really upside-down, and I
11 don't know why that happened, unless somebody put
12 the book together wrong.

13 Q. The viewpoint for that is that the Model
14 and Hobby Shop, as best you can tell, was on the
15 same premises as what ABC Dry Cleaners ended up
16 being on. And so your inference is if the Hobby
17 Shop was in the yearbook in 1954, then the dry
18 cleaners couldn't have replaced it for the whole
19 year of 1954. Is that fair?

20 MS. HURT: Objection to form.

21 BY MR. HUGHES:

22 Q. Put it in your own words.

23 A. That's fine. Other documents talk about
24 that the ABC One Hour Cleaners went in where the
25 Hobby Shop had been. So my inference is not just

1 based on the yearbook.

2 Q. Okay. And so the difference between the
3 1953 date and the 1954 date is less than a year;
4 correct?

5 MS. HURT: Objection to form.

6 THE WITNESS: It would be approximately
7 ten months.

8 BY MR. HUGHES:

9 Q. And you don't have any knowledge of
10 whether that ten months makes any significant
11 difference in the water modeling analysis; right?

12 MS. HURT: Objection to form.

13 BY MR. HUGHES:

14 Q. How are you using the word
15 "significant"?

16 A. If you look at the reports by the
17 Plaintiffs' experts on Phase 1, they indicate that
18 even if you move the start date for ABC ahead or
19 back by 10 months, the contamination still occurs
20 and grows and gets to the levels that the ATSDR
21 estimated using a curve that's pretty similar,
22 whether it's the 52 days or the 54 days.

23 But the question I'm asking you is, you
24 don't have an opinion one way or another as to
25 whether it makes a difference in the analysis;

1 correct.

2 MS. HURT: Objection to form.

3 THE WITNESS: I have done a lot of these
4 TCE cases and you asked initially about the
5 Harrington Army Airfield.

6 BY MR. HUGHES:

7 Q. Yes, I did.

8 A. I have a lay person's knowledge, like
9 fate and transport, and that's all it is. So I
10 know some time difference can make a little bit of
11 change, but I'm not qualified to say how much.

12 Q. Fair enough. Then we get to the grand
13 opening ad on page 28. How did you guys find this
14 back issue of the Jacksonville Daily News?

15 A. This was provided to me by the
16 Department of Justice.

17 Q. So when you say that, does that mean
18 they found it and gave it to you, versus your team
19 finding it?

20 A. My team looked and looked and looked and
21 they were unable to find a back issue of the
22 Jacksonville Daily News.

23 Q. Yes, sir. But then your client found it
24 for you?

25 MS. HURT: Objection to form.

1 THE WITNESS: We were looking for it.
2 We had heard about it. We couldn't find it. It
3 was given to us. We tried to find it again
4 ourselves, but we were unable to.

5 BY MR. HUGHES:

6 Q. And the yearbook, that's another one you
7 couldn't find, your team couldn't find it, but the
8 Government could find if for you?

9 MS. HURT: Objection to form.

10 THE WITNESS: Again, I don't recall how
11 I became aware of the yearbook. I went out, as I
12 said, on Classmates.com and was able to view the
13 page in question, so I bought it.

14 BY MR. HUGHES:

15 Q. But you had been told about this first;
16 right?

17 A. Yeah, I was provided with the entire
18 page.

19 Q. All right. The bottom of page 27, a
20 grand opening advertisement.

21 A. Right.

22 Q. Sitting here today, do you know whether
23 ABC One Hour Cleaners was in operation on June 28,
24 1954?

25 MS. HURT: Objection to form.

1 THE WITNESS: No, I can't tell for sure.

2 BY MR. HUGHES:

3 Q. Okay. What about back in May of 1954?

4 A. Again, it's a possibility. I'm not sure
5 why somebody would wait to publish their ad if
6 they were already opened.

7 Q. And you haven't talked to any witnesses
8 about that; correct?

9 A. Correct.

10 Q. If you look at the actual ad, and so
11 from your perspective as a historian, this ad is
12 accurate. It really does exist in a back issue of
13 the Daily News of Jacksonville?

14 A. I think it does.

15 Q. And it really was run, best we can tell,
16 June 29, 1954; right?

17 A. Yes, according to the newspaper.

18 Q. It says: Announcing grand opening ABC
19 One Hour Cleaners. Fast service, plenty of
20 parking, open daily 8 to 8, Monday through
21 Saturday. Quality cleaning. Have I read it
22 correct so far?

23 A. Yes.

24 Q. Was ABC accessible to, say, families
25 living at Tarawa Terrace?

1 MS. HURT: Objection to form.

2 THE WITNESS: Yes.

3 BY MR. HUGHES:

4 Q. Could you, if you lived at Tarawa
5 Terrace in the 50s, based on what you saw on your
6 tour of the base, could you'd have walked to ABC
7 Cleaners?

8 A. Distance wise, you certainly could. But
9 I don't know where the gates would have been
10 located.

11 Q. Good point. Good point. It then says:
12 We use Dupont Perlene dry cleaning solutions. Do
13 you see that?

14 A. Yes.

15 Q. And you've done some TCE work before.
16 Have you ever seen the term Perlene before this
17 case?

18 A. The document referenced in footnote 85
19 by Doherty, I used that document and that list of
20 trade names. I've had -- as soon as I saw
21 Perlene, that's where I went to find it. I don't
22 recall seeing the actual Perlene before in the
23 context of casework.

24 Q. But Perlene, to your knowledge, is a
25 straight up trade name for tetrachloroethylene --

1 AKA tetrachloroethylene?

2 MS. HURT: Objection to form and
3 foundation.

4 THE WITNESS: That's my understanding.
5 It's a trade named for what I always call PCE for
6 some reason.

7 BY MR. HUGHES:

8 Q. Have you heard before this case that dry
9 cleaners historically from time to time have used
10 PCE in the process of dry cleaning?

11 A. Yes I've been aware of that for some
12 time.

13 Q. On the ad, it says: We also do shirts
14 at Camp Lejeune Highway, Midvale; correct?

15 A. Yes.

16 Q. And you have found out a little bit more
17 about Midvale, as I recall. Something about a
18 fire. Do you remember that?

19 A. I do.

20 Q. We will come back to it. It's 12 noon.
21 Let's go off.

22 THE VIDEOGRAPHER: We are off the record
23 at 11:58 a.m.

24 (Whereupon, the deposition was recessed
25 for a lunch break from 11:59 a.m. to 12:48 p.m.)

1 THE VIDEOGRAPHER: We are on the record
2 at 12:48.

3 BY MR. HUGHES:

4 Q. Dr. Brigham, I will ask you if you could
5 pick up again from your report from December 9,
6 2024. We were at page 28. You talked about the
7 grand opening ad. And then if we go to the next
8 page, page 29, do you see another ad from a
9 telephone directory. This is from 1955; right?

10 A. Yes.

11 Q. And on top of page 29, you all were not
12 able to find a telephone book from 1954; correct?

13 A. Let me double-check what I wrote,
14 please.

15 Q. Yes.

16 A. I think I wrote the 1953 telephone
17 directory for Jacksonville, North Carolina, and
18 surrounding communities which had been updated
19 through April 15th.

20 Q. Does not include a list?

21 A. Right.

22 Q. And there is not any extant telephone
23 directory?

24 A. Thank you, I'm sorry. I saw your point
25 in directing me toward it there. There is not a

1 telephone directory for '54.

2 Q. But there was one for 1955 that could be
3 found, and we have seen an image of it on page 29;
4 correct?

5 A. Yes, sir.

6 Q. If we go to page 30, we see another
7 Yellow Pages ad, or phone directory ad, for ABC,
8 and this is 1956; correct?

9 A. Yes.

10 Q. And each one of these ads that we are
11 looking at, from your standpoint as a historian,
12 you've got no reason to doubt that these ads were
13 really published?

14 MS. HURT: Objection to form.

15 THE WITNESS: I have no reason to think
16 that they were never published, correct.

17 BY MR. HUGHES:

18 Q. Okay. So this ad says, among other
19 things: Closest cleaners to Camp Lejeune;
20 correct?

21 A. Yes, sir.

22 Q. So it would be reasonable to read this
23 ad as showing, among other things, that the dry
24 cleaners is marketing intentionally to people
25 onboard Camp Lejeune.

1 MS. HURT: Objection to form.

2 BY MR. HUGHES:

3 Q. Would you agree?

4 MS. HURT: Objection to form.

5 THE WITNESS: Yes. Certainly "the
6 closest cleaners to Camp Lejeune" I would agree is
7 marketing to those at Camp Lejeune.

8 BY MR. HUGHES:

9 Q. And then if we look at page 31, we see
10 another telephone directory ad. This is one from
11 1959; correct?

12 A. Yes.

13 Q. And again from your perspective as a
14 historian, this is an accurate image of a real
15 historical document. It is not something that is
16 made up. It's not something that didn't really
17 exist; is that correct?

18 MS. HURT: Objection to form.

19 THE WITNESS: That is correct.

20 BY MR. HUGHES:

21 Q. And so this one, this shows us that ABC
22 is still operational, still in business; right?

23 A. Yes.

24 Q. And it's done well enough that it's been
25 running these yellow pages ads in each year that

1 we can find Yellow Pages for; correct?

2 MS. HURT: Objection to form.

3 THE WITNESS: Yes.

4 BY MR. HUGHES:

5 Q. And as of 1958, it even includes the
6 line "closest cleaners to Camp Lejeune"; right?
7 We see that on page 40; correct?

8 A. Which page are you on now on, sir?

9 Q. The 1956 ad says: Closest cleaners to
10 Camp Lejeune?

11 A. Yes.

12 Q. And on page 31, the 1959 ad, says,
13 quote, "Closest cleaners to Camp Lejeune,"
14 unquote, correct?

15 A. Yes.

16 Q. And would you agree that it is
17 reasonable to imply from that that ABC One Hour
18 Cleaners got a fair amount of its business from
19 Camp Lejeune?

20 MS. HURT: Objection to form.

21 THE WITNESS: I don't know if I can
22 agree with that. I don't know what their business
23 -- who their customers were. But I would agree
24 they were marketing themselves toward people in
25 Camp Lejeune.

1 BY MR. HUGHES:

2 Q. And then if you look at page 32, now we
3 see an ad from 1960; right?

4 A. Yes.

5 Q. And this shows ABC One Hour Cleaners
6 again; correct?

7 A. Yes.

8 Q. It shows: Free citywide delivery. Do
9 you see that language?

10 A. I do.

11 Q. And then it says quote, "Cleaners-closer
12 to Camp Lejeune," unquote; correct?

13 A. Correct.

14 Q. Okay. Now, do you have any
15 understanding as to what the dry cleaning needs
16 would have been to servicemembers back in 1960?
17 Do you have any feeling for that at all?

18 MS. HURT: Objection to form.

19 THE WITNESS: My sense would be their
20 dress uniforms would probably need to be dry
21 cleaned.

22 BY MR. HUGHES:

23 Q. Do you know whether any dry cleaners
24 would send vehicles down to the mess hall to pick
25 up or drop off laundry during the relevant time

1 frame? Do you know one way or the other?

2 MS. HURT: Objection to form.

3 THE WITNESS: I don't know one way or
4 the other.

5 BY MR. HUGHES:

6 Q. Okay. By 1960, which is when this ad
7 appears on page 32, Tarawa Terrace was an
8 up-and-running community by then; correct?

9 MS. HURT: Objection to form.

10 THE WITNESS: Yes, sir.

11 BY MR. HUGHES:

12 Q. Okay. And Tarawa Terrace was an example
13 of base housing where married servicemembers could
14 live, versus single servicemembers, typically
15 male, who would live in the barracks; right?

16 A. Yes.

17 Q. And so the spouses in the ad that we see
18 here in 1960, we an image of a guy and also the
19 image of a woman; correct?

20 A. Yes, we do.

21 Q. And you mentioned earlier that ABC was
22 close to Tarawa Terrace; correct?

23 A. Yes.

24 MS. HURT: Objection to form.

25 BY MR. HUGHES:

1 Q. So as far as we can tell from these
2 yellow pages ads and the context, ABC One Hour
3 Cleaners was doing -- clearly doing a pretty good
4 business. It was an existing operating business
5 during that time as far as we can tell?

6 A. Yes, at two locations.

7 Q. And generally speaking, the more
8 business and dry cleaning they did at this site,
9 the one that was near Tarawa, the more of the
10 spent perchloro would be have been generated as a
11 matter of common sense; right?

12 MS. HURT: Objection to form.

13 THE WITNESS: It would stand to reason
14 the more dry cleaning you did, the more PCE they
15 likely used.

16 BY MR. HUGHES:

17 Q. If we go to page 43 of your report.

18 A. I am to page 43.

19 Q. On page 43, on the third -- second full
20 paragraph, it says, does it not in the report,
21 that, quote: Ever since August 1942, when the
22 Marine Corps moved Camp Lejeune headquarters from
23 Tent City/Camp Geiger to Hadnot Point, Hadnot
24 Point has been the center of activity at the base.

25 Did I read that correctly?

1 A. Yes.

2 Q. And so according to this paragraph,
3 historically the Hadnot Point area included five
4 regimental areas; right?

5 A. Yes.

6 Q. Would that have been by the 50s? Do you
7 know?

8 A. The five regimental areas date from
9 World War II on.

10 Q. So that would be a yes, that existed by
11 the 50s?

12 A. Yes.

13 Q. Officers quarters -- there were some
14 officers quarters in the Hadnot Point region as of
15 the 50s? Is that fair?

16 A. Yes.

17 Q. The barracks for women were there by the
18 50s?

19 A. Yes.

20 Q. The Naval Hospital; right?

21 A. Yes.

22 Q. By the way, are you aware that the Naval
23 Hospital switched from an older building to a
24 newer building, I think, sometime in the early
25 80s?

1 A. Yes, I'm aware of that.

2 Q. If the facts were to show that, until it
3 switched to the new building, the Naval Hospital
4 was on the Hadnot water system, would you have a
5 reason to dispute that?

6 MS. HURT: Objection to form.

7 THE WITNESS: The original one was on
8 the Hadnot Point system? Is that what you asked?

9 BY MR. HUGHES:

10 Q. Yes.

11 A. Yes, that's my understanding.

12 Q. Okay. Is it your understanding that the
13 original one was on the Hadnot system all the way
14 until the new one came in in the early 80s?

15 A. I may need to look at a map in my
16 report, because I think it might have gone to the
17 Holcomb Boulevard in '72, but I need to
18 double-check.

19 Q. If the ATSDR reports concluded that it
20 was still on Hadnot water until it went to the new
21 hospital, would you have any reason to disagree
22 with that?

23 MS. HURT: Objection to form.

24 THE WITNESS: I don't think so.

25 BY MR. HUGHES:

1 Q. Going back to this, so you referenced
2 the Naval Hospital that was at Hadnot Point as of
3 the 50s, page 43 of your report; right?

4 A. Yes.

5 Q. Base supply area? Would that be things
6 like warehouse items? Or what do you mean by Base
7 supply area?

8 A. Yes, warehouse items.

9 Q. So supplies?

10 A. Supplies, warehouse items, things that
11 you needed to keep a Marine corp base operating.

12 Q. Do you have an understanding what kind
13 of things made up the industrial area if we were
14 to go back in time to the 50s?

15 A. My understanding, it would be where
16 repairs could be made on equipment. Things may be
17 manufactured that were needed on base. Various
18 types of construction, building projects would
19 occur.

20 Q. When you say the main base exchange,
21 tell us what is a PX?

22 A. A PX is short for base exchange. It's
23 essentially a commissary or a store on military
24 bases where members of the military can buy
25 groceries, items, you know, TVs, stereos. Those

1 kinds of items usually at reduced rates.

2 Q. Is a PX the same thing as a commissary?
3 Explain it to a civilian.

4 A. I'm not entirely sure. I think of a PX
5 is where you buy all of these various things.

6 Q. And it is your understanding that Hadnot
7 Point had a commissary as of the 50s?

8 A. Yes.

9 Q. And are there any analogies you can give
10 me for what a commissary is like? Is it like a
11 grocery store? Is it like a Walmart? If we went
12 back in time in the 50s and went in a commissary,
13 can you give us a sense of what you would expect
14 to find there?

15 A. I think it would be more like a present
16 day Walmart.

17 Q. Do you know if the prices at the
18 commissary would have been discounted or lower
19 than at a private establishments that were off of
20 the base?

21 A. Yes, they would be.

22 Q. Would you agree that during our entire
23 statutory period the single largest commissary on
24 the base was the one at Hadnot?

25 MS. HURT: Objection to form.

1 THE WITNESS: Yes, the largest one would
2 have been at Hadnot Point.

3 BY MR. HUGHES:

4 Q. You mentioned on page 43 the two
5 training pools. So is it your understanding that
6 during our statutory period you had two indoor
7 swimming pools that were in the Hadnot area?

8 A. Yes, as you said, two training pools.

9 Q. And as the phrase implies, your
10 understanding is a variety of servicemember
11 training activities could occur using those indoor
12 swimming pools at Hadnot Point?

13 A. Yes, sir. That's correct.

14 Q. And also there were swimming competitive
15 type events occurring at the swimming pools from
16 time to time, as we can see from the old issues
17 The Globe, yes?

18 A. Yes, competitive swimming.

19 Q. And there is also other editions of The
20 Globe with pictures showing family activities.
21 There were apparently wives and children in the
22 pools at Hadnot Point; right?

23 MS. HURT: Objection to form.

24 THE WITNESS: Yes.

25 BY MR. HUGHES:

1 Q. When you say clubs at page 43, what kind
2 of clubs, to your understanding, were at Hadnot
3 Point. If I went be back to -- let's go to the
4 60s now -- if I'm in the 1960s, mid-60s, do you
5 have any sense of what kinds of clubs were at
6 Hadnot Point?

7 A. I know there was an officers club at
8 Paradise Point. We know there were clubs for
9 noncommissioned officers. There were also clubs
10 that sponsored events for spouses of Marines.
11 Places where people could eat, as well.

12 Q. So some of the clubs were more like a
13 restaurant and bar type layout?

14 A. I see reference to food and drink at
15 some of these clubs.

16 Q. And there is some references to like
17 live music events as one or more of these clubs at
18 Hadnot over the years?

19 A. Yes.

20 Q. And could service members at those clubs
21 could they get a alcohol there? Could they get a
22 beer? Do you know?

23 A. Yes, I've seen you could get beer.

24 Q. Was the beer cheaper at the clubs than
25 it might have been if you went off base to

1 Jacksonville?

2 A. I'm sure it was.

3 Q. You mentioned churches. Is it fair to
4 say we can tell from things like The Globe that
5 there were one or more churches that were located
6 physically in the Hadnot Point area?

7 A. Both The Globe and the base guides would
8 list the area's denominational church.

9 Q. Let me talk about theaters. First, does
10 that include movie theaters?

11 A. That's what I primarily think of when I
12 think of theater. But I think there could have
13 been live performances, et cetera.

14 Q. And over time, of course, as you have
15 noted from the 50s to the 80s, things changed. It
16 is not always static; right?

17 A. Yes, sir.

18 Q. And if I was at Hadnot Point in the 60s,
19 would you agree that there were one or more
20 theaters that apparently you could go to see a
21 movie insofar as there were some advertisements or
22 notices in The Globe?

23 A. Absolutely.

24 Q. And also there may have been one or more
25 drive-in theaters?

1 A. I know there for references to drive-in
2 theaters. I know there is at least one.

3 Q. Okay. How many high schools were on
4 Camp Lejeune from the 50s to the 80s if you know?

5 A. The main high school -- there was one
6 high school at Camp Lejeune. It moved once or
7 twice from an older building to a newer building.

8 Q. So am I correct that in the 50s, 60s and
9 70s and 80s my understanding is there was one high
10 school for the whole base. Does that sound right?

11 A. Yes, it does.

12 Q. And so if a child was hypothetically
13 living in the married servicemember housing at
14 Tarawa circa 1970, and they needed to go to high
15 school, presumably they would have ridden a bus to
16 the Camp Lejeune High School at Hadnot Point?

17 A. Yes, they would have gone to high school
18 at Hadnot Point. At the high school on Hadnot
19 Point I should say.

20 Q. And by the 1970s we had other
21 communities besides Tarawa that had housing with
22 children; correct? That were on base?

23 A. Yes.

24 Q. And if any of those children needed to
25 go to high school, the place they would have gone

1 was the Camp Lejeune High School at Hadnot Point;
2 correct?

3 A. Correct.

4 Q. As far as we know. So obviously, none
5 of the travel distances were too lengthy to
6 prevent a feasible bussing system to get the
7 children to and from the high school?

8 MS. HURT: Objection to form.

9 THE WITNESS: To the high school, yes.

10 BY MR. HUGHES:

11 Q. Yes, sir. If we go to page 52, at the
12 top of 52.

13 A. One moment please.

14 Q. Yes, sir.

15 A. Thank you. I'm there.

16 Q. At the top of 52 you note that the
17 Tarawa Terrace Elementary School opened in 1952;
18 correct?

19 A. Yes.

20 Q. And that remains accurate to your
21 knowledge sitting here today; correct?

22 A. Yes.

23 Q. You also note that when Tarawa Terrace I
24 and II opened in the area in the 1950s, they each
25 had 1,054 housing units; correct?

1 A. Yes.

2 Q. And in that regard, Tarawa actually
3 consisted of two different chunks. There were
4 Tarawa Terrace I and Tarawa Terrace II; right?

5 A. Yes, that's correct.

6 Q. Then you say that the housing needs were
7 remodeled over the years. At the end of the
8 paragraph you say: In 1954, there were 1,836
9 housing units at Tarawa Terrace; correct?

10 MS. HURT: Objection to form.

11 THE WITNESS: Yes, 1,846.

12 BY MR. HUGHES:

13 Q. And then in the next page you reference
14 the base telephone directory for 1970 for Tarawa
15 Terrace?

16 A. Yes, I do.

17 Q. And so at that time there was apparently
18 like a shopping center area that has a bank, a
19 beauty salon -- do you see that language?

20 A. Yes, I do.

21 Q. And a branch of the post exchange.
22 Would that be like a commissary or more like a
23 post office? Or do we know?

24 A. No, I believe it would be similar to
25 what you previously asked me about at Hadnot

1 Point, a PX.

2 Q. A dry cleaner?

3 A. Yes.

4 Q. A post office. That is separate from
5 the post exchange?

6 A. Yes.

7 Q. And two elementary schools and
8 cafeterias?

9 A. Yes.

10 Q. And a community center; right?

11 A. Yes.

12 Q. And you -- am I right that you have no
13 reason, sitting here today, to doubt that those
14 facilities existed at Tarawa as of 1970?

15 A. I believe they existed there in 1970.

16 Q. Yes, sir. And they were all fed by the
17 Tarawa Terrace water treatment plant.

18 A. They would have been.

19 Q. And as of 1970, according to the ATSDR,
20 that system was contaminated?

21 A. According to the ATSDR report, they
22 were.

23 MS. HURT: Objection to form.

24 BY MR. HUGHES:

25 Q. Okay. And in your report, same page,

1 you update us to 1980. And once again, you note
2 the historical documents note the existence of
3 things like a bank, a community center, et
4 cetera -- right -- for Tarawa Terrace?

5 A. Yes.

6 Q. Did you tour Tarawa Terrace when you
7 visited Lejeune? I don't recall what you said.

8 A. The base has changed a lot. And of
9 course we came in on the Wilson Boulevard entrance
10 which wasn't there back when we were talking. I
11 know we went by housing developments. I don't
12 know if they are Tarawa Terrace or not.

13 Q. Okay. Do you agree as a historian that
14 the use of bottled water that seems ubiquitous
15 today did not exist generally in the U.S. if I
16 went back to the 60's; correct?

17 MS. HURT: Objection to form.

18 THE WITNESS: Yeah, I certainly don't
19 remember it from the 60's. I was a little kid,
20 but I don't remember it.

21 BY MR. HUGHES:

22 Q. Again in the 70s, this kind of
23 ubiquitous commercial bottled water, that was not
24 a pattern of American culture in the 70s?

25 MS. HURT: Same objection.

1 THE WITNESS: Not yet.

2 BY MR. HUGHES:

3 Q. Understood. You can put this aside
4 momentarily. Let's introduce some other exhibits.
5 This will be Exhibit 2.

6 (Whereupon, Deposition Exhibit
7 No. 2 was marked for
8 identification.)

9 BY MR. HUGHES:

10 Q. Do you recognize this as being your
11 second expert report for this matter dated
12 February 7th, 2025?

13 A. Yes, I do.

14 Q. Okay. Now, on page 1, you reference
15 Dr. Longley's report from December 7, 2024. Do
16 you see that?

17 A. Yes, I do.

18 Q. And you offer opinions with that in
19 mind. And then you say: I may revise or
20 supplement my opinions as the litigation
21 progresses or should new information be made
22 available. Do you see that?

23 A. I am looking for it, but I know I did
24 say it.

25 Q. On page 1 here.

1 A. I see now. Thank you.

2 Q. Have you revised any of your opinions
3 since the date of the February 7th, 2025, report?

4 A. Well, you previously asked and as I
5 responded, Dr. Longley did correct the errors --
6 Dr. Longley's most recent report he made
7 corrections to some of the errors that I pointed
8 out in this report, if that makes sense.

9 Q. Yes, sir. On page 1, you say -- first
10 numbered paragraph, you talk about three instances
11 where you say that: Dr. Longley entirely and
12 egregiously misrepresents the source material;
13 correct?

14 A. Which point was that under, sir? Okay,
15 thank you.

16 Q. We talked about it earlier. You find
17 three instances where Dr. Longley's report was
18 incorrect. The first was the Nixon photo, the
19 second one was the demonstrative photo of water
20 buffalos at Hadnot Point, and the third was the
21 date range for the Holcomb water plant. Are those
22 the three instances you are talking about?

23 A. Yes, they are.

24 Q. And your understanding is he has sought
25 to correct those three in his subsequent report?

1 A. Yes.

2 Q. Okay. Now page 1, the numbered
3 paragraph 2 --

4 A. Okay.

5 Q. -- at the end of it you say -- first
6 page: Although Hadnot Point is the center of many
7 activities at Camp Lejeune, there are other areas,
8 et cetera.

9 So you will agree with me, correct, that
10 during our historical time period Hadnot Point was
11 the center of many activities at Camp Lejeune?

12 MS. HURT: Objection to form.

13 THE WITNESS: Yes, I have never denied
14 that.

15 BY MR. HUGHES:

16 Q. Top of page 2, you note -- you discussed
17 other water treatment plants, the ones aside from
18 Hadnot and Tarawa. And you said the ATSDR did not
19 conclude that those other water treatment plants
20 were further contaminated; correct?

21 A. That's what I said.

22 Q. Having said that, you are not aware of
23 whether there were significant levels of
24 trichloromethane found in the New River Air
25 Station system in the early 1980s; correct?

1 A. No, I'm not aware of that. Again, I'm
2 basing this on what the ATSDR and Dr. Hennes
3 seemed to agree on.

4 Q. And you did not do any primary research
5 of your own to see whether any of the other water
6 treatment systems were or were not contaminated;
7 right?

8 A. I did not. That's correct.

9 Q. Bottom of page 2 of this report you
10 reference water buffalos; correct?

11 A. Yes, in Number 5.

12 Q. And here -- one thing that you say here
13 is that there was a quote, "Likelihood that water
14 buffalos were at times filled with noncontaminated
15 water away from Hadnot Point." Do you see that
16 language?

17 A. Yes, I do.

18 Q. One thing you cite for that in General
19 Zinni's deposition, if you read the whole thing,
20 you said there is a reference to a water buffalo
21 filling station at Geiger; right?

22 A. Yes.

23 Q. And you also cite to Plaintiff Gary
24 McElhiney's deposition, and you note that in the
25 deposition he says that a water filling station

1 was located at Courthouse Bay; correct? Do you
2 see that?

3 A. I do see that.

4 Q. And in Ben Urquhart's deposition for the
5 proposition that there were water buffalo filling
6 stations in numerous locations on the base;
7 correct?

8 A. Yes.

9 Q. So these are three examples of you as a
10 historian using sworn testimony as relevant
11 information in your report; correct?

12 MS. HURT: Objection to form.

13 THE WITNESS: My point is in discussion
14 in this report was to show the inconsistencies of
15 deposition testimony.

16 BY MR. HUGHES:

17 Q. So do you doubt -- do you believe that
18 when General Zinni, according to you, said there
19 was a water buffalo filling station at Geiger, are
20 you saying that is inaccurate?

21 A. I am not saying it is inaccurate. But I
22 do know in General Zinni's deposition in the early
23 part of the deposition he didn't recall anything
24 being done via water buffalo beyond Hadnot Point.
25 But under question by DOJ, then he talked about:

1 Oh, yes, at Camp Geiger.

2 Q. So your recollection -- it may be true.
3 I am not challenging it -- but on the direct exam,
4 on exam from the Plaintiff's lawyers, he noted a
5 water buffalo site at Hadnot. And then in
6 examination by the Government's lawyers he noted
7 another water buffalo at Geiger; correct?

8 A. That's my recollection of the
9 deposition, as I sit here.

10 Q. And that would be consistent with the
11 process of testimony and cross-examination under
12 oath as an effective means of trying to bring out
13 the full truth; correct?

14 MS. HURT: Objection to form.

15 THE WITNESS: I suppose it could be,
16 yes.

17 BY MR. HUGHES:

18 Q. And here you're citing Zinni's
19 deposition, are you not, for the proposition that
20 there is evidence of a water buffalo filling
21 station at Geiger. I mean, that is the point that
22 you want to make; right?

23 A. That is certainly possible, yes.

24 Q. If you didn't think that General Zinni's
25 deposition had some truthfulness to it or

1 relevance to it, you wouldn't have cited it;
2 right?

3 A. No, I would have. I'm not saying that
4 General Zinni was lying. But -- I don't think he
5 was.

6 Q. Okay.

7 A. But it's just to me these are examples
8 of some things that are problematic with
9 deposition testimony and reliance on human memory.

10 Q. I understand the point that you are
11 trying to make from this. But the point I'm
12 asking you to agree on is that this is an example
13 of a historian citing to sworn testimony as having
14 information that is relevant to his historian
15 methodological analysis.

16 MS. HURT: Objection to form.

17 THE WITNESS: Again, as I said -- as I
18 have pointed out they said in the last sentence.
19 And although Dr. Longley cites Gary McElhiney,
20 Senior's deposition, he does not reference
21 Mr. McElhiney's statement that a water filing
22 station was located at Court House Bay. I don't
23 know why that was included in Dr. Longley's
24 report.

25 BY MR. HUGHES:

1 Q. Do you agree that there are things in
2 Dr. Longley's report that are not included in your
3 report?

4 A. I would say quite a bit.

5 Q. And there are things in your report that
6 are not in Dr. Longley's report; correct?

7 A. Again, I would say there is quite a bit.

8 Q. On page 3 of your second report, towards
9 the bottom you cite to Mike Magner's book. Do you
10 see that?

11 A. Yes, I'd do: A Trust Betrayed.

12 Q. Did you read the book?

13 A. I have the book. I reviewed it. I'm
14 not going to say I read it word by word. When I
15 purchased these books, I was looking for
16 historical information.

17 Q. Did you find Mike Magner's book to be
18 reliable as far as you could tell?

19 MS. HURT: Objection to form.

20 THE WITNESS: I just don't recall. It's
21 been nearly a year ago.

22 BY MR. HUGHES:

23 Q. Okay. But you did cite it in your
24 report; correct?

25 A. I certainly listed it here. I don't

1 recall if I cited it in the body of my report.

2 Q. Fair enough. And then on page 4 -- this
3 is your second report February 2nd, 2025 -- top of
4 page 4, you cite to reports prepared by ATSDR;
5 correct?

6 A. Yes, I do.

7 Q. Including a summary of the water
8 contamination situation at Camp Lejeune dated 2024
9 from the website; correct?

10 A. Yes.

11 Q. And the Maslia publication in the
12 journal called Water from 2016; correct?

13 A. Yes.

14 Q. And there is no caveat here. In other
15 words, I don't see here whether as a historian you
16 commented that either one of these publications
17 was not entirely reliable; correct?

18 MS. HURT: Objection to form.

19 THE WITNESS: I did not say that.

20 BY MR. HUGHES:

21 Q. As far as you know, those two
22 publications are entirely reliable; correct?

23 MS. HURT: Objection to form.

24 THE WITNESS: I certainly think they are
25 reliable.

1 BY MR. HUGHES:

2 Q. Page 5. At the bottom of page 5 you
3 reference oral histories; correct?

4 A. I do.

5 Q. And you say, "I do not consider
6 deposition testimony or declarations to be oral
7 histories," unquote. Correct?

8 A. Yes, you read that correctly.

9 Q. And I take it what you mean by that is
10 an oral history, it's a different process. But
11 put in your own words. In your mind, what is the
12 difference between sworn testimony in a deposition
13 and an oral history as a historian? How would you
14 differentiate between the two categories?

15 A. My view is an oral history is much more
16 of a free flowing and an exchange of information.
17 Roughly the person giving the oral history and the
18 person taking the oral history; it's an equal
19 relationship.

20 You ask general questions to prompt
21 responses, and then you see what the person giving
22 the oral history says. You record it and do all
23 of these other things to it. I don't think that
24 is the dynamic that you and I are working on right
25 here, nor should it be.

1 Q. Are you familiar with what the basic
2 parameters of what in your mind would be a good
3 oral history, what those basic parameters would
4 be?

5 A. Well, you know, as I said, it's --
6 there's a book out -- I think it's in here --
7 Shared Authority. Again, it's more of an equal
8 footing and people are allowed to ask questions
9 and maybe some prompts are asked and stuff like
10 that, some very general questions. So this is all
11 recorded. Maybe just audio. Maybe video. It's
12 transcribed. The transcription is available.
13 They are put somewhere, so someone five years
14 later or ten years later can say: Hey, I am
15 interested in this oral history. I'm going to
16 actually read the transcript.

17 Q. Should an oral history session be a
18 particular time period? Should it be an hour?
19 Ten hours? Any thoughts on that?

20 A. Well, I don't think you would want to go
21 ten hours in one session. You are awfully tired
22 sometimes. I suspect you might want to go longer
23 than hour. I also think it depends upon the
24 individual giving the oral history. How old they
25 are and how healthy they are, things of that

1 nature.

2 Q. And an oral history should be somewhat
3 bilateral in the sense it's not just one person
4 asking questions, but the subject can talk back
5 and have a feedback loop?

6 A. That is my understanding.

7 Q. And it should be recorded?

8 A. Yes.

9 Q. But it shouldn't be under oath?

10 A. I never really thought of an oral
11 history being under oath. To me it's more of a --
12 somebody wants to give an oral history.

13 Q. I understand. Can an oral history be
14 taken of eyewitnesses to a historical event that
15 happened in the past?

16 A. Certainly.

17 Q. Is there some time limit where
18 presumptively living witnesses to a past
19 historical event where so much time has passed
20 that a historian would say you can't trust their
21 memory anymore? How does that work?

22 A. I don't think there is a set time limit.
23 I think the historian taking the oral history
24 would need to be cognizant of the lucidity of the
25 person they're taking the oral history from. Do

1 the events being discussed make sense? Did
2 something happen when it was supposed to have
3 happened, or did the person say it happened years
4 later.

5 Q. What kind of subjects do oral histories
6 get taken on, to your knowledge?

7 MS. HURT: Objection to form.

8 THE WITNESS: I'm aware of oral
9 histories being done, for example, of young
10 scientists. I know somebody had a big oral
11 history project doing that. A very young,
12 cutting-edge scientist.

13 As we know, Dr. Kelman did an oral
14 history of memory of the Sand Creek massacre in
15 Colorado. I've have seen oral histories -- I have
16 looked at oral histories of people involved in
17 national security. There was a person who was
18 very involved in the World War II political
19 economy, a guy named Lincoln Gordon. He became
20 Ambassador to Chile. He gave an oral history.
21 They kind of run the gamut.

22 BY MR. HUGHES:

23 Q. I understand. Author Studs Terkel, he
24 did kind of a variant on oral histories. Can you
25 have an oral history, for example, could you take

1 an oral history project today of people who are
2 still living who, say, fought in Vietnam in the
3 60's and 70s? And if that oral history segment
4 was: Your experiences in Vietnam. Is that a
5 subject in your mind as a historian that is doable
6 or is there some reason it's not doable? What do
7 you think?

8 MS. HURT: Objection to form.

9 THE WITNESS: No, I think it could be
10 done, but with all the caveats that I mentioned a
11 few moments ago. So say the person said that he
12 went ashore in Da Nang, which happened in the
13 spring of 1965. And if he says he went ashore in
14 Da Nang in the spring of 1970, that raises some
15 red flags for me.

16 BY MR. HUGHES:

17 Q. Right. One thing that could make an
18 oral history more reliable would be if you had a
19 rigorously researched set of background facts on
20 the topic before you go in to do the oral history.
21 Would that make sense?

22 MS. HURT: Objection to form.

23 THE WITNESS: Something to that nature I
24 think would need to be done.

25 BY MR. HUGHES:

1 Q. If we worked through and reconciled the
2 reports that have come in from you and from
3 Dr. Longley, and whatever else comes in in this
4 case, we could probably come up with a pretty good
5 set of facts, historical facts with regard to the
6 water contamination history at Camp Lejeune.
7 Would you agree?

8 MS. HURT: Objection to form.

9 THE WITNESS: I guess I disagree to the
10 extent that I think we could come up -- perhaps we
11 could come up with a pretty good set of facts for
12 individuals based upon an oral history, based upon
13 their service record. That all meshes up. To the
14 degree we could extrapolate for the entirety at
15 Camp Lejeune, I'm not sure.

16 BY MR. HUGHES:

17 Q. I'm not meaning that. I mean if you
18 just take the facts. Forget about any oral
19 interview history type stuff that's in Longley's
20 report.

21 A. Okay.

22 Q. If you simply take -- I checked his
23 citations on his first report and 90 percent of
24 them were just documents, not to oral history type
25 things. If I just took the facts, the historical

1 document cites in Longley and the ones that you
2 have done, and reconciled, or had the Judge
3 reconcile, any variances between them -- like the
4 ABC Dry Cleaners -- the end product of that could
5 be a pretty good documentary history of facts.
6 I'm not talking about oral history. I'm just
7 talking about facts that would give us a backdrop.
8 Does that make sense?

9 MS. HURT: Objection to form.

10 THE WITNESS: It's certainly possible.

11 BY MR. HUGHES:

12 Q. Okay. And if I had those set of facts
13 as a backdrop, then I could do oral histories of
14 Lejeune survivors, and I could have factual
15 parameters to compare it against for credibility;
16 right?

17 MS. HURT: Objection form.

18 THE WITNESS: I'm trying to imagine what
19 the facts might be that we would be wanting to get
20 at in the history that you suggest.

21 BY MR. HUGHES:

22 Q. Facts like how many survivors are there
23 that lived at what we call the outlying region?
24 How many survivors who lived or worked at Montford
25 or at Camp Johnson or Camp Geiger, and who are

1 still lucid and alive today and could talk about,
2 in an oral history context, their experiences with
3 a focus on whether they ever left, say, Camp
4 Geiger and went to Tarawa or to Hadnot areas.

5 That's the concept I'm advancing. Do
6 you see how that could be something that could be
7 done?

8 MS. HURT: Objection to form.

9 THE WITNESS: I understand what you are
10 saying. I guess my thought is -- or my response
11 is how many oral histories would have to be done
12 to get to a critical mass that you could really --
13 as you asked me earlier, if a million people went
14 through Camp Lejeune during the statutory period,
15 how many oral histories would have to be done to
16 get to a --

17 BY MR. HUGHES:

18 Q. Representative sample, for example --

19 A. -- representative sample. Yeah, a
20 sample size. I'm familiar with that 400 million.
21 What would a representative sample have to be?

22 Q. Right. Right. But if you start with
23 the premise that Camp Lejeune from the 50s to the
24 80s was the largest inadvertent exposure study for
25 TCE and PCE that has ever occurred in terms of an

1 event, wouldn't that be an area where it might
2 indeed be useful to collect the oral histories and
3 other data --

4 MS. HURT: Objection to form.

5 BY MR. HUGHES:

6 Q. -- from living people that had
7 previously done them from an historian's
8 perspective, from a oral history perspective? Can
9 you see the potential value of that?

10 MS. HURT: Objection to form.

11 THE WITNESS: Well, as a historian, I
12 think any historian -- whether it is Dr. Longley,
13 Dr. Cohen, or myself or all the other Ph.D.s
14 running around, usually the more information the
15 better.

16 And I also think, if such a study was
17 ever done, I think we'd have to keep in mind that
18 it might be skewed toward younger Marines.

19 BY MR. HUGHES:

20 Q. Might be skewed toward younger Marines?

21 A. The resulting fact basis might be more
22 solid for the 1970s and 80s than it would be for
23 the 50s and 60s, just because of the passage of
24 time.

25 Q. So the percentage of, say, contemporary

1 Camp Lejeune inhabitants from 1955 that would be
2 still be alive today for an oral history project
3 would be presumptively less than the number of
4 people who were there in 1980 that would still be
5 alive, for example?

6 A. Yes, for a number of reasons.

7 Q. Page 11 of your report.

8 MS. HURT: Do you mind if we take like
9 just one break? I want to get some water.

10 MR. HUGHES: Oh, yes. I've been going
11 for a while. Let's take a five-minute break.

12 THE VIDEOGRAPHER: Off the record at
13 13:36.

14 (Whereupon, the deposition was recessed
15 from 1:36 p.m. to 1:41 p.m.)

16 THE VIDEOGRAPHER: We are on the record
17 at 13:41.

18 BY MR. HUGHES:

19 Q. Dr. Brigham, can I have you look at
20 page 11 of your Exhibit 2 report. That one.
21 Page 11.

22 A. Okay. I have it.

23 Q. And there is a numbered paragraph 2.

24 A. Yes.

25 Q. And you reference how Dr. Longley, in

1 his first report, cited the video deposition of
2 Allan Howard and a, quote, "oral history" that he
3 later conducted with Mr. Howard. Do you see that?

4 A. Yes.

5 Q. And you have oral history in quotes
6 because your belief is just interviewing somebody
7 on the phone and taking some notes, that is not
8 the same thing as what we call full-fledged oral
9 history; is that correct?

10 MS. HURT: Objection to form.

11 THE WITNESS: Yes.

12 BY MR. HUGHES:

13 Q. However, having said that, there is no
14 requirement that the historian -- it's not an
15 either/or; right? In other words, a historian
16 sometimes can simply talk to an individual on the
17 phone and take some notes and use that and that
18 could be perfectly appropriate; correct?

19 MS. HURT: Objection to form.

20 THE WITNESS: I think it has to be
21 identified as a telephone interview.

22 BY MR. HUGHES:

23 Q. Right. Notes on file with the author,
24 for example, as a footnote?

25 MS. HURT: Objection to form.

1 THE WITNESS: Notes on file or maybe
2 even transcribed, recorded -- telephone
3 conversation recorded and later transcribed.

4 BY MR. HUGHES:

5 Q. Right. But you have seen it done before
6 by historian authors where they just say: Phone
7 interview with Joe, I have notes.

8 A. Yeah, I think I have. I was trying to
9 think of a specific example.

10 Q. Well, one example might be at the end of
11 Dr. Kelman's book that you referred to that was
12 oral history related to the memories of a
13 historical event, a massacre that was so long ago
14 that survivors did not exist; correct?

15 A. Yes.

16 Q. And in his book -- I think it's the end
17 notes -- would it surprise you to find that
18 actually he has a note that says for one cite
19 words to the effect of: Phone conversation with
20 X, notes on file with author?

21 MS. HURT: Objection to form.

22 THE WITNESS: No, that wouldn't surprise
23 me.

24 BY MR. HUGHES:

25 Q. In other words, it's not the case that

1 as part of a reliable historian's methodology it
2 is either get a full-fledged oral history that is
3 recorded and transcribed, et cetera, or you can't
4 talk to a person and get information from them;
5 right?

6 MS. HURT: Objection to form.

7 THE WITNESS: Right. There is a middle
8 ground. There are some different differences,
9 yes.

10 BY MR. HUGHES:

11 Q. On page 11 of your report, you talked
12 about how Dr. Longley has cited the video depo of
13 Howard and then he had his call, or whatever it
14 was with Howard. And then you say: While this
15 might be the case, a more robust discussion, one
16 that included more corroborating sources, would
17 better support his contention, rather than
18 reliance on the oral testimony of one individual.
19 Et cetera. You see that; right?

20 So you would agree with me that
21 generally speaking, I think you alluded to earlier
22 that more is better. Yes, if we could get more
23 sources, more historical sources, that may be
24 better than just having one; correct?

25 MS. HURT: Objection to form.

1 THE WITNESS: Yeah, corroborative
2 sources would good.

3 BY MR. HUGHES:

4 Q. And you understand since the time of his
5 first report, Dr. Longley, he's endeavored to do
6 more work. He, for example, took the formal oral
7 history recording of Mr. Partain and
8 Mr. Ensminger, which has been provided; correct?

9 A. Yes.

10 Q. On page 13 of your report, you see
11 numbered paragraph 6?

12 A. Yes.

13 Q. Okay. And it talks about six lines
14 down, how the depositions were taken in 2024 -- or
15 the declaration was in 2024, but that was four
16 years after the individuals were at Lejeune. You
17 see that?

18 A. Yes.

19 Q. And as we discussed, you are aware now
20 that on the U.S. Marines official website there
21 are oral histories of individuals that relate to
22 historical events going all the way back to World
23 War II; correct?

24 A. Yes.

25 Q. And so clearly, in some cases oral

1 histories can be of oral historians who are being
2 asked to recall events from decades earlier and it
3 can be a meaningful and valuable process; correct?

4 MS. HURT: Objection to form.

5 THE WITNESS: That's correct. That is
6 exactly what I was saying in the paragraph just
7 discussed.

8 BY MR. HUGHES:

9 Q. Well, what -- tell me what you are
10 saying. I was focused on the reference to
11 40 years after.

12 A. Okay. The deposition was taken in 2024,
13 and the declarations were written 2024, some
14 40 years after these individuals were at Camp
15 Lejeune. So that is certainly the case.

16 My concern, what I was pointing out was
17 really the last sentence where I wrote: Without
18 additional source material, Dr. Longley cannot
19 make assertions about what transpired at other
20 times during the 34-year statutory period.

21 So this goes to something else we were
22 talking about, point-in-time references.
23 Sometimes they are very, very good at telling us
24 exactly what happened at a given time in history.
25 But I think all historians, we have to be careful

1 we don't extrapolate too much from those types of
2 documents.

3 Q. Okay. So one phrase there to focus on
4 is "additional source material"? Right?

5 A. Yes.

6 Q. And that goes back to what we talked
7 about about additional source material can be
8 helpful; correct?

9 A. Yes.

10 Q. All right. Then if we go to page 18 on
11 this report.

12 A. I'm there.

13 Q. On page 18, we see the screenshot from
14 Longley's first report where he had a photo of the
15 water treatment plant near Holcomb Boulevard and
16 it was captioned 1960s. But you went behind -- or
17 your team did -- and you found that fact-checking
18 it, actually that picture was from August 10th,
19 1972; correct?

20 A. That's correct.

21 Q. And so your point -- one of your points
22 is that the photo is actually of the Holcomb
23 Boulevard plant in '72, while that is also
24 consistent with what we read from the ATSDR about
25 when the Holcomb plant opened; correct?

1 A. Yes.

2 MS. HURT: Objection to form.

3 BY MR. HUGHES:

4 Q. And you understand that one of the
5 Government's contentions is that when the Holcomb
6 plant opened, the Holcomb Water Treatment Plant
7 was a clean plant. It wasn't contaminated; right?

8 MS. HURT: Objection to form.

9 THE WITNESS: Correct.

10 BY MR. HUGHES:

11 Q. Okay. And what the ATSDR found was that
12 after 1972, yes, there was a new Holcomb plant,
13 but there were times when the Holcomb system drew
14 on water from the Hadnot system; correct?

15 A. Yes, the Holcomb plant received
16 contaminated water from Hadnot Point on some
17 occasions.

18 Q. But the Plaintiffs have not alleged the
19 Holcomb plant itself drew on contaminated water
20 from its own wells; correct?

21 MS. HURT: Objection to form.

22 THE WITNESS: No, not the raw water, no.

23 BY MR. HUGHES:

24 Q. And so in that sense, it actually -- it
25 would make the Plaintiffs' case weaker if the

1 Holcomb plant actually opened in the 60's instead
2 of the 70's. Do you see that?

3 MS. HURT: Objection to form.

4 THE WITNESS: I understand what you are
5 saying, but I believe that I had a responsibility
6 to point out this mistake.

7 BY MR. HUGHES:

8 Q. I think you did too and I'm glad you did
9 it, and so is Dr. Longley. My point is it does
10 not appear from that set of facts that I walked
11 you through that the Plaintiffs would have gained
12 any strategic advantage whatsoever from dating the
13 Holcomb plant to the 60s instead of the 70s;
14 correct?

15 MS. HURT: Objection to form.

16 THE WITNESS: No, it would not have.

17 BY MR. HUGHES:

18 Q. Okay. On page 33 --

19 A. Okay.

20 Q. -- at the bottom, you excerpt some
21 deposition testimony from Mr. McElhiney; correct?

22 A. Yes.

23 Q. And then above it you say that
24 Dr. Longley also, quote, "chose to not include,"
25 unquote, this other testimony.

1 Now, you can't read Dr. Longley's mind;
2 correct?

3 A. No.

4 Q. You don't know what he chose or didn't
5 choose with regard to testimony; right?

6 A. I only know what he put in his report.
7 I don't know what things he evaluated and things
8 he decided he would use or not use. I only know
9 what ended up in the report.

10 Q. And you've noted earlier how on sources
11 like the Magner book, you didn't read the whole
12 book. You reviewed parts of it; correct?

13 A. Right. I reviewed it for historical
14 documentation about Camp Lejeune.

15 Q. I understand. So you don't have any
16 facts that would allow you to say that Dr. Longley
17 intentionally only hit certain pages in the
18 deposition. You don't even know if he read the
19 whole thing; correct?

20 BY MS. HURT: Objection to form.

21 THE WITNESS: No, I don't know if he
22 read the whole thing.

23 Q. Let's introduce Exhibit 3.

24 (Whereupon, Deposition Exhibit
25 No. 3 was marked for

1 identification.)

2 BY MR. HUGHES:

3 Q. Dr. Brigham, we've handed you Exhibit 3,
4 which I will represent is the transcript of the
5 deposition of Richard Benz, B-E-N-Z, which was
6 taken on January 10, 2023.

7 And my first question is I take that
8 you've never seen this deposition transcript
9 before; is that correct?

10 A. That's correct.

11 Q. Okay. Did you ever ask to see all of
12 the deposition transcripts that have been taken in
13 this case?

14 A. No.

15 Q. Did you and your team ever ask to see
16 all of the deposition transcripts that have been
17 taken of Plaintiffs in this case?

18 A. No.

19 Q. Did your or your team ever ask for
20 copies of all depositions taken in which
21 individuals who claimed to have lived or worked at
22 Lejeune in the statutory time period testified in
23 their deposition about water issues?

24 MS. HURT: Objection to form.

25 THE WITNESS: No.

1 BY MR. HUGHES:

2 Q. Let me just show you a couple little
3 parts of Mr. Benz's deposition. If you look at
4 page 6 -- you see how it has four pages on each
5 page?

6 A. I do.

7 Q. On page 6, you see where he is asked.
8 He has never given a deposition before. He has
9 never been to Washington before. Do you see that?

10 A. I do.

11 Q. And then if you go over to page 12, you
12 see how on page 12 he is talking about when he
13 arrived at Camp Lejeune. Do you see that?

14 A. Yes, lines 4 and 5.

15 Q. And then he talks about supply training
16 when we get to line 13; right?

17 A. Yes.

18 Q. And line 17 he references -- he recalls
19 a big warehouse; right?

20 A. Yes.

21 Q. Page 13, line 4, he is asked about a
22 DT214. Do you know what one of those is?

23 A. I believe that is a discharge form that
24 a servicemember receives upon their departure from
25 the service.

1 Q. And those forms can have things like
2 dates that show when the servicemember was at
3 different locations or different bases; correct?

4 A. Yes.

5 MS. HURT: Objection to form.

6 BY MR. HUGHES:

7 Q. If you look at the top of page 14 -- the
8 last sentence of page 13 Bill Graham asked: When
9 you arrived at Camp Lejeune, where did they have
10 you assigned as far as living quarters or
11 barracks? And on top of 14 he says: Montford
12 Point. Do you see that?

13 A. Yes.

14 Q. And he is asked: What went on at
15 Montford Point? And he talks about infantry
16 training for supply. Do you see that?

17 A. I do.

18 Q. Do you have any recollection of whether
19 or not Montford Point had that type of facility or
20 training school at time in the 60s?

21 A. I don't believe specifically. I know
22 they obviously had the military occupation
23 speciality training. The schools differed a
24 little bit. I don't recall what exactly what they
25 had at this time.

1 Q. And here he says he could recall things
2 like uniforms and boots. And then you see "MOS."
3 And that's what you just referenced; right?

4 A. Yes.

5 Q. And that is like a job description sort
6 of; right?

7 A. I think that is fair enough.

8 Q. Page 15, he talks about where he eats,
9 the mess hall. There is one at Montford Point;
10 right? And that is something you found as well;
11 correct?

12 A. Yes, down 12, 13, 14, and so on.

13 Q. And then at page 16, line 21, he talks
14 about his canteen cup; right?

15 A. Yes.

16 Q. If you go to page 18 he talks about the
17 Main Base. Do you see that?

18 A. Yes.

19 Q. And he says at line 9: It's the bigger
20 part of Camp Lejeune. Do you see that?

21 A. Yes, I do.

22 Q. He says -- he was asked: You were
23 barracked at Montford Point, but there were other
24 things to do in the other part of the base?

25 Answer: Yes. Correct?

1 A. Correct.

2 Q. Page 19 he talks about sports. Do you
3 see at lines 7 to 9, baseball, basketball,
4 football?

5 A. Yes, I do.

6 Q. And on page 20, lines 5 and 6, he played
7 sports at Montford Point. Intramural, right?

8 A. Yes. I'm on the wrong page, but from
9 what I see there, yes.

10 Q. That's okay. Down to page 21, he talks
11 about being clean shaven, shaving every morning?
12 That's at line 13.

13 A. Yes, sir.

14 Q. And if I go to page 23, he is asked:
15 Let's talk about playing sports and going over to
16 the Main Base. Did some of the guys call it
17 Mainside? Answer: Mainside, yes. Question: Is
18 that where all of the action was? Answer: Yes.
19 Question: Was it boring over on the Montford
20 Point? Answer: It was like a ghost town on the
21 weekend.

22 Further down: Why was that? Because
23 everybody would leave the base. A lot of them was
24 married people. They would leave the base. And
25 then there was just a few of us on the weekends.

1 Just single guys.

2 Page 24: Would you go over to the
3 Mainside on the weekends as well? He said: Every
4 other weekend we used to go meet some friends.

5 Do you see that.

6 A. Yes.

7 Q. Do you believe that the travel distance
8 from Montford Point to Hadnot Point in the 60s was
9 so great that it would prevent a servicemember
10 from going to the Mainside every other weekend?

11 A. No.

12 Q. He says, line 6: What was it for? To
13 hang around. We play cards, throw a football,
14 play basketball, go to the burger place.

15 You see that language; correct?

16 A. I'm sorry; could you point me to that
17 again.

18 Q. Page 24, line 6.

19 A. Okay. I do see that now, thanks.

20 Q. And then he is asked: So you spent a
21 lot of time at the Mainside? Answer: Yes.

22 Line 12, correct?

23 A. Yes.

24 Q. And then he is asked again about
25 Montford Point like a ghost town. He said, quote:

1 It felt like a ghost town.

2 Do you see that?

3 A. I do.

4 Q. Then he also says at the bottom of
5 page 24 that he did some extra work at Hadnot. He
6 would go over to make copies at a printing press
7 office. Would that sound understandable? There
8 might be a printing press office at Hadnot as of
9 the 60's?

10 A. Yes, certainly.

11 Q. And so if that's true, if what he is
12 saying is true, then you would agree in that case
13 that the travel distance was not prohibitive of
14 Mr. Benz going from Montford to Hadnot to do some
15 work with the printing press?

16 A. Certainly for the purposes or the
17 reasons discussed here, no.

18 Q. Page 25 starting at line 15, he's asked:
19 Obviously, you didn't have a car when you were at
20 Lajeune.

21 So assuming this gentleman was living in
22 bachelors quarters at age 17 at Montford, is it
23 reasonable that someone in that position in the
24 60s would probably not have a car?

25 MS. HURT: Objection to form.

1 THE WITNESS: I would think somebody
2 17 years old probably didn't have a car.
3 Probable, maybe.

4 BY MR. HUGHES:

5 Q. So then he is asked, page 25, line 17:
6 How did you get over to the Mainside? He said:
7 They have a shuttle bus at certain times and then
8 you get the same shuttle back at a designated
9 time. Do you see that?

10 A. I do.

11 Q. Is that consistent with your research
12 about what was happening at the base in the 60's?

13 A. I know that there were shuttle buses,
14 yes.

15 Q. And would they have been at certain
16 times?

17 A. There was a schedule.

18 Q. And they would have been free for
19 someone like Mr. Benz?

20 A. Yes, for a servicemember.

21 Q. Page 26, he is asked how many times did
22 he go to Main Base -- what he called Main Base.
23 He said: Well, every other week. Over 75 -- 57
24 or 75 times. There is some ambiguity there. It
25 says 75 and 57. You see that; right?

1 A. Yes. I was just looking at that more
2 closely.

3 Q. Then he talks about tournaments. You
4 see at the bottom of Page 26, Line 22, he says:
5 During baseball season, football season, and
6 softball season, we used to go during those times,
7 as long as the tournament was on.

8 Do you see that? Do you recall seeing
9 references to tournaments at the Hadnot Point area
10 in back issues of The Globe?

11 A. Yes, I remember seeing tournaments in
12 The Globe -- intramural sports in the base guides.

13 Q. On page 27, he talks about -- Line 21,
14 talks about filling his canteen from the water
15 buffalo; right?

16 A. Yes.

17 Q. And he said this in the context of
18 playing sports; right: Is this while you're
19 playing sports?" The top of 28? "Yes."

20 A. Yes, I see that.

21 Q. And then he remembered something else.
22 An Igloo container, silver colored. They would
23 fill it with water and ice. Do you see that?

24 A. Yes, I do at the top. Line 3.

25 Q. Line 12, he says: The water buffalo a

1 big old tank about 8 feet long -- big tank. They
2 would fill it with water.

3 Is that consistent with the
4 demonstrative examples of water buffalos that were
5 in one of your reports today?

6 A. It sounds about right.

7 Q. And then if we go to page 33, line 20,
8 he leaves the Marines in 1968; correct?

9 A. Yes. 1968, yes.

10 Q. If we go to page 41, he is brought back
11 and he is shown a map. And on page 41, he is
12 asked about taking the bus. He is asked: How
13 long does it take to get the bus from where you
14 were living over to here. Meaning from Montford
15 to Hadnot. He says: About 15 minutes
16 approximately.

17 Do you see that language?

18 A. Yes.

19 Q. Do you think a 15-minute bus ride is
20 going to keep a young Marine from going to Hadnot
21 like Mr. Benz was doing?

22 A. Maybe not a young 17-year-old Marine,
23 no.

24 Q. Does 15 minutes sound about right for
25 how long it would take the bus to get from one

1 place to the other, based on your tour of the
2 base?

3 MS. HURT: Objection to form.

4 THE WITNESS: Well, going from the area
5 of Montford Point, leaving the base, coming back
6 on the base, getting down to the main area of
7 Hadnot Point -- I don't know, 15 minutes seems
8 like it would be a little bit on the short side.

9 Q. Have you tried measuring it?

10 A. No.

11 Q. Also on page 47, if you look at the
12 bottom of the page, it is revealed that when he
13 would go to play sports at Hadnot for the
14 tournaments, he would actually stay over at a
15 buddy's place. Do you see at the bottom of page
16 47, he says that the tournaments could go over the
17 weekend. Do you see that?

18 A. Yes.

19 Q. And then on page 48: When you are over
20 there on the weekends, would with you shower over
21 there? Meaning Hadnot. Answer: Yes. Right?
22 That's what he said?

23 A. Yes.

24 Q. Eat in the mess hall? Yes. Drink the
25 water over there? Yes. Did you have water with

1 your meals over there just like you did at
2 Montford Point? Answer: Yes. Do you see that?

3 A. I do.

4 Q. Would you agree with me that over the
5 last five minutes, we just went over some of the
6 testimony from Mr. Benz; correct?

7 A. Yes, we did.

8 Q. And that testimony revealed a variety of
9 facts that he said he could recall about living on
10 the base; correct?

11 A. Yes. His activities, yes.

12 Q. And would you agree that those facts are
13 generally in accordance with the facts that you
14 found in your own research?

15 A. You mean about the activities at
16 Montford Point?

17 Q. No, just generally speaking. There is
18 nothing about his individual testimony. The parts
19 I read to you, there is nothing about it -- or is
20 there? Is there anything that I just read to you
21 that strikes you as that's impossible, that
22 couldn't be true, it contradicted by the facts I
23 found in the documents?

24 A. Not in what he describes. I am still
25 uncertain about the 15 minutes. I mean, the

1 Holcomb Boulevard -- Holcomb Boulevard was the
2 main gate. We didn't have the Wilson. So you had
3 to go further east on 24 to come down to Hadnot
4 Point again. So 15 minutes, I'm not sure that
5 would be long enough. But I have never measured
6 it.

7 Q. But otherwise, his testimony was
8 consistent with the facts that you found in your
9 documentary research; correct?

10 A. Certainly about the sports and other
11 things.

12 Q. And there was even something from his
13 testimony that you might not have known before,
14 like the idea of using an Igloo container; right?

15 MS. HURT: Objection to form.

16 THE WITNESS: That doesn't surprise me,
17 somebody using an Igloo.

18 BY MR. HUGHES:

19 Q. What about his details? He appears to
20 be saying that in his supply shop training there
21 was a facility at Montford that had uniforms and
22 shoes. If that is true, would that be a new fact
23 that you didn't know before?

24 A. I don't know if I knew it per se, but
25 that doesn't surprise me. As a supply person,

1 that is essentially what they are doing, at least
2 in part.

3 Q. I understand. But my point is won't you
4 agree that going over these facts and looking at
5 this deposition is something that can help us with
6 our historical methodology to get at the facts of
7 what happened at Camp Lejeune? Wouldn't that be
8 true?

9 MS. HURT: Objection to form.

10 THE WITNESS: Yes, it certainly
11 describes what this particular individual did,
12 especially on his weekends, but to a lesser degree
13 during his work week.

14 MS. HURT: Are we done with this
15 exhibit?

16 MR. HUGHES: Yes.

17 (Whereupon, Deposition Exhibit
18 No. 4 was marked for
19 identification.)

20 BY MR. HUGHES:

21 Q. Sir, you have been handed Exhibit
22 Number 4. Does this appear to be a copy -- I will
23 represent at the top it is a copy of the expert
24 report of Dr. Longley from December 2024. If you
25 flip through it, does it appear to be consistent

1 with what you reviewed from Dr. Longley in the way
2 of his December 2024 report?

3 A. Yes, sir, it does.

4 Q. So just as an example, if we look at
5 page 15, do you see the photo on page 15 it says:
6 Main hospital facility used through 1983?

7 A. I just got there. I see the image.

8 Q. I will represent that in your report I
9 did not see any critique of that image or caption
10 as being inaccurate. Do you recall having any
11 opinion of that being inaccurate?

12 A. I don't think on this one we did. I
13 think this is some sort of historical photo, given
14 the number in the lower left-hand corner. I'm not
15 sure where we got it, though.

16 Q. You see the next page, 16, see a bus
17 schedule on the top left?

18 A. Yes.

19 Q. It's hard to read, but it's credited to
20 The Globe, July 2, 1970; correct?

21 A. Yes.

22 Q. And when I reviewed your report, I
23 didn't see any criticism of that image or its
24 caption as being unreliable or inaccurate. Do you
25 recall any?

1 A. No, I remember looking at this issue of
2 The Globe just to get a better idea, because it is
3 so small.

4 (Whereupon, Deposition Exhibit
5 No. 5 was marked for
6 identification.)

7 BY MR. HUGHES:

8 Q. This is Exhibit 5. This is the second
9 report by Dr. Longley. It is dated January 13,
10 2025. Have you seen this report before?

11 A. Yes.

12 Q. If you look at page 2, can you see on
13 page 2, where he cites a back issue of
14 Leatherneck, the magazine?

15 A. You're talking in the fourth paragraph
16 down.

17 Q. Yes, the block quote.

18 A. I see. I'll read the block quote real
19 quick.

20 Q. Yes, take your time.

21 A. I've read it.

22 Q. Okay. And you see at the bottom of the
23 page it cites to Leatherneck, April 1955. Issue
24 available at -- and it gives an Internet address.
25 Do you see that?

1 A. Yes.

2 Q. Did you or your team -- as of today,
3 have you or your team gone behind that site to see
4 if it is accurate?

5 A. I believe so, yes.

6 Q. And is it accurate as far as you know?

7 A. Yes.

8 Q. Were you aware of this issue of
9 Leatherneck from April 1955 before you saw it in
10 Dr. Longley's report?

11 A. No.

12 Q. And you will agree that among other
13 things the article says, quote, in the block,
14 quote: From the air, Camp Lejeune looks like a
15 small city surrounded by suburbs, unquote.

16 A. Yes.

17 Q. Quote: Hadnot Point, with its many
18 barracks and huge industrial area, is the "city,"
19 while Courthouse Bay, Montford Point, Petersfield
20 Point, Paradise Point, the Rifle Range, Camp
21 Geiger, Midway Park, Tarawa Terraces I and II, and
22 Camp Knox make up the "suburbs."

23 Correct?

24 A. Yes.

25 Q. You see on the next page another block

1 quote from the same article?

2 A. Yes, it's quite a long one.

3 Q. But at the top it does observe
4 editorially at the bottom of the very first
5 paragraph on page 3 that Jacksonville back in the
6 50s, quote: Unfortunately, it has little to offer
7 a Marine on liberty. Right?

8 A. Could you point that to me, please.

9 Q. Right here. Page 3.

10 A. Thank you.

11 Q. You see that; right?

12 A. Right, in 1948, yes.

13 Q. At the bottom of the page it references
14 the NCO club's Mirror Room, which is one of the
15 plushest nighteries in the Corps. Do you see
16 that?

17 A. Yes.

18 Q. Were you aware of NCO Club's Mirror Room
19 before you read Longley's report?

20 A. I may have seen that elsewhere. I think
21 I might have looked up actually, when I did.

22 Q. If you look at page 4, bottom of the
23 page, you can see that Professor Longley
24 references that he looked at Congressional
25 testimony. You are aware that there are various

1 Congressional hearings that have occurred with
2 regard to the Lejeune water issues; correct?

3 A. Yes, I am.

4 Q. But your report doesn't cite to any of
5 those Congressional hearings; correct?

6 MS. HURT: Objection to form.

7 THE WITNESS: That's correct.

8 BY MR. HUGHES:

9 Q. Do you think Congressional hearing
10 transcripts and testimony is unreliable?

11 A. No, I don't think it is. I've used it
12 in other reports. It had to do with what my
13 research questions were here.

14 Q. You understand that Mr. Ensminger has
15 testified to Congress before; right?

16 A. He has a number of times.

17 Q. And you understand Mr. Partain has
18 testified to Congress before?

19 A. Yes.

20 Q. And Mr. Partain has also published a
21 Master's thesis on Lejeune; correct?

22 A. Yes, I was aware of that.

23 Q. Did you review, or your team review,
24 Mr. Partain's Master's thesis before you issued
25 your first report?

1 A. No.

2 Q. Have you all reviewed it to date?

3 A. No, not yet.

4 Q. If you go to page 5, do you see the
5 third paragraph down beginning with the Partain
6 website timeline?

7 A. I do.

8 Q. What this paragraph is saying is that
9 the website timeline existed as far back as 2012.
10 It showed facts that Partain, as a public
11 historian, had put together. And then you can see
12 where Dr. Longley says: This raises questions as
13 to whether all the documents now cited by Brigham
14 in 2024 were not made available by the Government
15 in the years past. Do you see that language?

16 A. Yeah, I'd like to read it again, though.
17 I read it again. Thank you.

18 Q. It says it raises questions as to why
19 the information provided by the Government to
20 Brigham today was not provided to Partain years
21 ago. Do you see that language?

22 A. I do.

23 Q. And then Dr. Longley goes on to cite to
24 VA documents that include screenshots from the
25 Partain website; correct?

1 A. That's what it reads, yes.

2 Q. And you and your teams have read this
3 report by Dr. Longley; correct?

4 A. Yes.

5 Q. Have you and your team done any further
6 work to try to understand, from an historical
7 perspective, why information that you were given
8 for your report was not given to others in years
9 past?

10 MS. HURT: Objection to form and
11 foundation.

12 THE WITNESS: No, I'm not entirely sure
13 exactly which documents Dr. Longley is
14 referencing.

15 BY MR. HUGHES:

16 Q. Well, do you see any citations to the
17 Yellow Pages ads from 1954 on the ABC grand
18 opening? Do you see any notation to that on
19 Mr. Partain's timelines on the website?

20 A. No, we don't. Those were documents that
21 my staff and I collected.

22 Q. Right. And that's because the
23 Government hired you and paid you to do it; right?

24 A. Well, yeah. We found that as part of
25 our research, yes.

1 Q. Right. And you considered it relevant
2 to this issue of when ABC Dry Cleaners started;
3 right?

4 A. Absolutely.

5 Q. But that work -- to your knowledge, no
6 work like that was done back in 2012; right?

7 MS. HURT: Objection to form and
8 foundation.

9 THE WITNESS: Not to my knowledge, no.
10 BY MR. HUGHES:

11 Q. And as of 2012, if you look at page 6 of
12 Dr. Longley's report, the VA was actually using
13 the Partain website to train it's own people.

14 MS. HURT: Objection to form and
15 foundation.

16 BY MR. HUGHES:

17 Q. You see the VA slide on page 6; right?

18 A. I'm looking at it right now.

19 Q. Did you all fact-check this? Do we
20 know? Did you fact-check this?

21 A. This should have been fact-checked, yes.

22 Q. And do you have any reason to critique
23 it or dispute it sitting here today?

24 MS. HURT: Objection to form.

25 THE WITNESS: I have no reason to think

1 this does not appear.

2 BY MR. HUGHES:

3 Q. Okay. If you look at page 7, do you see
4 how it's redacted with black marks on it?

5 A. Yes, I do.

6 Q. But I'm correct that what you testified
7 to earlier is that you have not made any effort to
8 seek unredacted copies of any documents received
9 from your clients, the Government; correct?

10 A. That's correct.

11 Q. And if you look at the bottom of this
12 page 7, this is a VA slide, do you see how it
13 actually has a picture from the Partain Ensminger
14 website with the link to the timelines. You see
15 the timeline link at the bottom left; correct?

16 A. Yes.

17 Q. And so given that this was used -- these
18 slides were used by the VA to train their own
19 people, it would be reasonable to assume that some
20 of them went and looked at the timeline; correct?

21 MS. HURT: Objection to form.

22 THE WITNESS: You mean the VA people?

23 BY MR. HUGHES:

24 Q. Yes.

25 A. Yes, that would be reasonable.

1 Q. And on the timeline they would have
2 seen, if they looked long enough, the reference to
3 ABC starting in 1953; correct?

4 MS. HURT: Objection to form.

5 THE WITNESS: Yes, looking at it, they
6 would have.

7 BY MR. HUGHES:

8 Q. Look at page 13, if you will. Do you
9 see a bigger image of the bus schedule on page 13?

10 A. Yes.

11 Q. This one is the youth activities bus
12 schedule; correct? It says it at the top.

13 A. Yes.

14 Q. And this is cited as coming from The
15 Globe, July 26, 1962; right?

16 A. Right.

17 Q. You all would have fact-checked it?

18 A. Yes.

19 Q. And sitting here today, you don't have a
20 critique; correct?

21 A. No, I don't.

22 Q. And if we go to page 14, you see a photo
23 from The Globe from '83 showing a cultural event,
24 the Guess Who rock band at Camp Lejeune; right?

25 A. Yes, indeed.

1 Q. If you go to page 16, you can see a
2 picture of the bowling alley at Hadnot in 1964
3 from The Globe; right?

4 A. Yes.

5 Q. And y'all fact-checked that as well?

6 A. Correct.

7 Q. Page 17, the cattle cars. Now, in
8 Longley's report here he says: Brigham also omits
9 mention of cattle cars. Do you see that sentence,
10 page 17?

11 A. Yes, that's just what I was reading.

12 Q. Is that true? Did you omit mention of
13 cattle cars in your first report?

14 A. I did not discuss cattle cars.

15 Q. Why not?

16 A. Well, again, it really was not what I
17 was tasked to do in my report.

18 Q. Your report talks about travel.

19 A. Well, yes, it does. But it's really
20 more the areas of the base.

21 Q. Which the cattle cars would go to?

22 A. That's true.

23 Q. But your point is the omission was not
24 malicious in nature; right?

25 A. No.

1 Q. Because you can't include everything?

2 A. Right.

3 MS. HURT: Objection to form.

4 THE WITNESS: You certainly can't.

5 BY MR. HUGHES:

6 Q. Here is my point. This is something
7 that is in one of Mr. Longley's reports, but
8 number one, it wasn't in your report; correct?

9 A. Correct.

10 Q. And number two, you don't have any
11 reason to dispute it; correct? Right?

12 A. No, I don't.

13 Q. And would you agree that it helps fill
14 out the picture more on our issues, because now we
15 know about cattle cars; correct?

16 MS. HURT: Objection to form.

17 THE WITNESS: Yeah, it provides another
18 piece of information.

19 BY MR. HUGHES:

20 Q. Okay. At the bottom of 17, we talk
21 about James Branham. Do you know if James Branham
22 was deposed?

23 A. I don't know.

24 Q. You have never read his testimony to
25 your recollection?

1 A. Correct.

2 Q. On the top of page 18, it summarized
3 that his testimony includes reference to the
4 cattle car or cattle trucks. Do you see that?

5 A. Yes. Pick them up by 8:00 a.m.

6 Q. It also talks about how he would work
7 doing repairs for the motor pool and then come
8 home to take a shower to get the oil and grease
9 off of him. Did you see that?

10 A. Yes, I see that passage.

11 Q. But I'm correct, right, that your group
12 was not told to do any investigation to see if
13 there is more historical evidence about things
14 like repairs at motor pools; right?

15 MS. HURT: Objection to form. I am also
16 going to instruct the Witness not to discuss any
17 substantive discussions that he had with the
18 United States Department of Justice that would be
19 covered by attorney work product.

20 BY MR. HUGHES:

21 Q. Let me rephrase. Based on looking at
22 your reports, you did not cover the topic of
23 repairs at the motor pools or historical
24 documentation in that regard; is that true?

25 A. That's correct.

1 Q. And you did not cover the topic of waste
2 dumps where spent repair fluids or materials might
3 be dumped in Hadnot? That was not part of your
4 report; correct?

5 A. That's correct.

6 Q. And that was not -- without revealing
7 any attorney communications, that was not a topic
8 that you focused on; correct?

9 A. That's correct.

10 Q. On page 20, so the page 20 image is from
11 The Globe issue from 1981; correct?

12 A. Yes.

13 Q. And those were available publicly on the
14 Internet and there is a link to it on the bottom;
15 correct?

16 A. Yes, that's correct.

17 Q. All right. And that article said that
18 at the main PX commissary in the red rectangle
19 quote: The Hadnot Point commissary serves an
20 average of 23,000 grocery customers each month.
21 And then it continues; right?

22 A. Yes, it does.

23 Q. Do you have any information to refute
24 the proposition that the commissary, as of 1981,
25 was serving 23,000 average customers per month?

1 A. I don't have data to refute the 23,000.
2 I'd be curious to see where this data came from at
3 the time.

4 Q. Let's talk about that. The authors for
5 The Globe included -- looks like they included
6 servicemembers. Have you done any investigation
7 as to who wrote The Globe articles?

8 A. I have noticed a lot of them don't have
9 attribution.

10 Q. That's true, they don't. Like the one
11 we're looking at.

12 A. But the ones that do usually are by a
13 person in the Marine Corps.

14 Q. You would agree with me that, by and
15 large, the reporting in The Globe looks like good
16 faith reporting work product like you would see in
17 a normal newspaper?

18 MS. HURT: Objection to form.

19 THE WITNESS: Generally speaking, I
20 think so. There is one article I pointed out
21 about the showers being on 24/7. A few things
22 like that. But I think it is pretty
23 straightforward: Here's the news.

24 BY MR. HUGHES:

25 Q. Page 22, did you see this photo of Mike

1 Partain's mom before you saw it in Longley's
2 report?

3 A. No.

4 Q. Would you agree that photos like this
5 can provide valuable historical context for a
6 topic like water use at Lejeune?

7 MS. HURT: Objection to form.

8 THE WITNESS: You know, I don't know if
9 this photo does or not. I don't dispute the fact
10 that Mr. Partain was -- he said in a recent
11 video -- conceived at Camp Lejeune. His mother
12 was pregnant with him and he was delivered while
13 they were at Camp Lejeune. I have no reason to
14 doubt that. I have not reviewed the photo. The
15 photo is nice. I'm not being critical of the
16 photo.

17 BY MR. HUGHES:

18 Q. Let's talk about it. Number one,
19 assuming the photo really does show the mom with
20 the baby at the Naval Hospital. Okay? Make that
21 assumption. If that is true, this would tend to
22 support the conclusion that some moms travelled
23 from Tarawa to Hadnot to go to the Naval Hospital
24 facilities as part having their babies; correct?

25 MS. HURT: Objection to form.

1 THE WITNESS: I'm sure that is what
2 happened. And given the air conditioner and the
3 blinds, I'm sure this was at the Naval Hospital.

4 BY MR. HUGHES:

5 Q. Tell me about that. Help me out with
6 that. Is that a window unit air conditioner as
7 far as we can tell?

8 A. That is what it looks like to me.

9 Q. You talked about AC in your report.
10 Does that help us date or locate the image?

11 A. I would have to go back and check a lot
12 of things. But certainly Camp Lejeune was being
13 air conditioned starting in the 70s into the 80s.
14 But I don't question what Mr. Partain talked about
15 and discussed in the recent video.

16 Q. That is not my point. My point is it is
17 corroborated. And I think you just showed us
18 that. You mentioned the blinds in the window. It
19 looks like Venetian mini blinds that are turned so
20 the light doesn't go through, and then there is a
21 window unit air conditioner; right? That's what
22 it looks like; correct?

23 A. That's what it looks like, yes.

24 Q. And you would agree that that
25 information -- number one, that is information

1 isn't it? It's data; right?

2 A. It's information, yes.

3 Q. And it's information from a photo;
4 right?

5 A. Yes.

6 Q. And I don't know if Mr. Partain ever
7 gave any statements or testimony that he recalled
8 window units at the hospital. So this might be
9 new information; correct?

10 MS. HURT: Objection to form.

11 THE WITNESS: It well could be.

12 BY MR. HUGHES:

13 Q. It also shows what appears are to be a
14 glass of water over on the table. Do you see
15 that?

16 A. I see a glass of something. I don't
17 know what it is.

18 Q. Which would be consistent with the idea
19 of people at the Naval Hospital drinking water at
20 the Naval Hospital; correct?

21 MS. HURT: Objection to form.

22 THE WITNESS: Yes.

23 BY MR. HUGHES:

24 Q. All right. Then below it there is a
25 reference to Dr. Mike Gros. You've never reviewed

1 any statements or testimony by him, or have you?

2 A. No, I have not.

3 Q. And then the next paragraph refers to
4 Terry Dyre. Have you or your team reviewed any
5 testimony from Ms. Dyre?

6 A. No.

7 Q. Would y'all have reviewed it to
8 fact-check what we see at the bottom of this page?

9 A. I'm not sure. I don't recall.

10 Q. Next page, that's a standpipe photo from
11 The Globe that you also had; correct?

12 A. Yes.

13 Q. Look at page 24, there is a reference at
14 the bottom of the page to testimony from William
15 Walters. Do you know if you and your team
16 reviewed that testimony?

17 A. I did, yes.

18 Q. You did? Okay. Did you review it
19 before you did your first report?

20 A. Yes.

21 Q. Did you comment about it in your report?

22 A. No.

23 Q. Why not?

24 A. I was mostly focused on the Bogue Field.

25 B-O-G-U-E.

1 Q. It was mainly focused on Bogue Field.
2 But as you can see at the footnote 33 reference,
3 quote: He said the Marines from Bogue Field
4 frequently used the standpipes at Hadnot Point.
5 Do you see that?

6 A. I do.

7 Q. Wouldn't that be a relevant fact to
8 include in your report?

9 MS. HURT: Objection to form.

10 THE WITNESS: Yeah, it may have been.
11 Again, I did not talk about Bogue Field in my
12 report.

13 BY MR. HUGHES:

14 Q. Right. But do you think I read that to
15 you because of the reference to Bogue Field or
16 maybe because of the reference to the standpipes
17 at Hadnot Point?

18 MS. HURT: Objection to form.

19 BY MR. HUGHES:

20 Q. I mean, you would agree with me that the
21 issue of the standpipes is a material issue;
22 right? It's an issue that you talked about in
23 your report?

24 A. Yes, I did.

25 Q. And if this sentence is accurate, it

1 says Mr. Walters testified to the use of
2 standpipes at Hadnot Point; correct?

3 A. Yes.

4 Q. So that would be a helpful fact on the
5 issue of where water buffalos were filled?

6 A. Right. And I remember some of this
7 testimony that Hadnot Point was the closest point
8 at Lejeune to Bogue Field, which is why they went
9 to Hadnot Point.

10 Q. But none of that is in your first
11 report?

12 A. No, I did not address Bogue Field.

13 Q. But you did address the standpipes in
14 Hadnot?

15 A. Yes.

16 Q. And you would agree that if this is
17 correct, Walters' testimony supports the concepts
18 that the standpipes at Hadnot were used?

19 A. Right, and it suggests that there was
20 more than one.

21 MS. HURT: Are we at a breaking point?
22 Would this be a good time to take a break?

23 MR. HUGHES: Yeah, it's 2:30. Let's
24 take a break.

25 THE VIDEOGRAPHER: We are off the record

1 at 14:34.

2 (Whereupon, the deposition was recessed
3 from 2:34 p.m. to 2:43 p.m.)

4 We are on the record at 14:43.

5 BY MR. HUGHES:

6 Q. Dr. Brigham, let's mark and show you
7 Exhibit Number 6.

8 (Whereupon, Deposition Exhibit
9 No. 6 was marked for
10 identification.)

11 MY MR. HUGHES:

12 Q. I will represent this is a copy of
13 Dr. Longley's report dated March 17th, 2025. Have
14 you seen this one before?

15 A. Yes.

16 Q. All right. Have you and your group done
17 fact-checking on it to your knowledge?

18 A. We have reviewed it. My staff, we've
19 gone through it. I'm not sure of the degree of
20 fact-checking we did on the first report.

21 Q. Are there any Nixon type inaccuracies in
22 it as we sit here today that you are aware of?

23 A. None come to mind right now.

24 Q. If you look at page 2, first full
25 paragraph beginning "It is noteworthy..." do you

1 see that?

2 A. I do.

3 Q. It says: It is noteworthy that neither
4 Dr. Brigham nor Dr. Kelman has conducted any
5 interviews of their own with individuals that
6 spent time at Camp Lejeune.

7 I take it that after reading this
8 report, you and your group still have not taken
9 any interviews of your own of people that spent
10 time at Lejeune; correct?

11 A. That's correct.

12 Q. If you look at page 7, middle of the
13 page on 7 is a citation to one of the oral
14 histories on the official U.S. Marines website.
15 Do you see in the middle of page 7 the reference
16 to the transcript of an interview with Master
17 Sergeant Ralph Freeman, Retired? Do you see that?

18 A. I do.

19 Q. It reflects that he was interviewed in
20 1999 -- at least that's the date of the transcript
21 according to this; correct?

22 A. Right. Yes, sir.

23 Q. And it says that he was asked about
24 facts going all the way back to 1943; right?

25 A. Yes.

1 Q. So from '43 to '93, that's 60 years;
2 correct?

3 A. I think it's 50.

4 Q. 50 years. I was an English major.
5 You're the historian. 50 years; correct?

6 A. Yes.

7 Q. And 50 years -- if we went back in time
8 50 years, we would be within our key time period
9 for the Lejeune cases; correct?

10 A. 1975, right.

11 Q. One thing Mr. Freeman said in his oral
12 history, you can see it at the end of his quote.
13 Question: Did you get a chance to go out on
14 liberty into Jacksonville? Answer: Not in
15 Jacksonville. Wasn't anything to go on liberty
16 for.

17 Do you so that language?

18 A. I do.

19 Q. Would you agree with me that that kind
20 of oral recollection can be useful in filling out
21 the picture of the lifestyle of the Marines back
22 at the time?

23 A. I'm not sure in this instance if it
24 would, because I'm not sure if he is talking about
25 '43, '62, or '65, without going back and reading

1 through this.

2 Q. Let's assume it was '43. Then it would
3 be of limited relevance, because that would
4 predate the opening of our time period; correct?

5 A. Yeah, you mean the beginning of the
6 statutory period?

7 Q. Right.

8 A. Yes.

9 Q. But it would still show that as least as
10 of 1943, this Marine, his recollection was that
11 basically there wasn't much of a reason to go to
12 Jacksonville; correct?

13 MS. HURT: Objection to form.

14 THE WITNESS: Certainly not 1943. And I
15 don't think Jacksonville had grown too much yet.

16 BY MR. HUGHES:

17 Q. I understand. Have you and your team
18 had a chance to look at any of the oral histories
19 on the U.S. Marines website, aside from what we
20 have cited in these reports?

21 A. One of my team has been reviewing them
22 the last day or two.

23 Q. Do you have any thoughts about the
24 methodology of those oral histories in terms of
25 they were done in the right way?

1 A. Nothing that we have yet formulated.

2 Q. Do you and team intend to issue one or
3 more further reports in this case as it proceeds?

4 MS. HURT: Objection to form.

5 THE WITNESS: I don't know at this time.

6 BY MR. HUGHES:

7 Q. If you look at page 8 of this report
8 from Dr. Longley, it talks about the standpipes at
9 Hadnot Point. Do you see that?

10 A. Large standpipes, yes.

11 Q. And it's referencing the water pressure;
12 right?

13 A. Yes.

14 Q. Okay. Do you have any facts to
15 contradict the assertion that the standpipes at
16 Hadnot Point would fill water buffalos quicker
17 because they had more water pressure?

18 MS. HURT: Objection to form.

19 THE WITNESS: I don't have any
20 information about that.

21 BY MR. HUGHES:

22 Q. Look at page 11. Page 11 appears to
23 show a photo from The Globe from '75 of a woman
24 with a grocery cart at the Hadnot commissary.

25 A. Yes, it does.

1 Q. Okay. And once again, would you agree
2 with me that there is visual data in this photo
3 that can help us on the topic of what were the
4 life situations like at Camp Lejeune during the
5 key time period?

6 MS. HURT: Objection to form.

7 THE WITNESS: Well, again, this
8 certainly shows a person shopping at the
9 commissary at Hadnot Point, which I never denied
10 such things occurred.

11 BY MR. HUGHES:

12 Q. I understand. Does it look like she's
13 picking out plastic-wrapped cuts of meat, or
14 something like that?

15 A. It looks like she is, yeah, shopping at
16 the meat counter.

17 Q. And it looks like she has a shopping
18 cart?

19 A. Yes, a shopping cart.

20 Q. By the way when we looked at that photo
21 before of Mr. Partain's mom, it appears there was
22 a glass of water and a formula bottle. Assuming
23 that it showed a formula bottle too, would you
24 agree that is another piece of visual data,
25 information that is in the photo that may not be

1 in another source?

2 MS. HURT: Objection to form.

3 THE WITNESS: I can't disagree with
4 that.

5 BY MR. HUGHES:

6 Q. Okay. And if you were to engage in an
7 oral history project, assembling more data or
8 histories from survivors at Lejeune, would you
9 agree that one source of data that they might have
10 that they could contribute would be photos, if
11 they have historical photos from their time at
12 Lejeune?

13 A. Yes, certainly photos can be very
14 useful. I've included images and whatnot in my
15 report and photos.

16 Q. We talked at the beginning of the
17 deposition about how much your firm has billed or
18 been paid to date, and the figure was something
19 over \$800,000; right?

20 A. Yes.

21 Q. How does that compare to amounts that
22 you and your firm have been paid in other
23 government expert projects? Is that higher than
24 you have been paid in any other projects for the
25 U.S. Government to date?

1 A. No, we have had other projects that we
2 have billed that much. The biggest difference for
3 this project compared to those other projects is
4 the time frame was condensed quite a bit. And so
5 we started this last April. The report we filed
6 was mid-August. So I had a lot of people working
7 on it because the time frame was very, very short.

8 But to answer your question, no, we've
9 billed more than that on other cases.

10 Q. What is the most you've ever billed on a
11 case for the Government, if you recall, roughly?

12 A. Well, I can't tell you the most across
13 time. I can tell you that we billed over a
14 million dollars on a World War II petroleum case
15 recently within the last five years.

16 Q. You mentioned -- so in this case you
17 viewed the timeframe between your retention and
18 the production of your initial report as being
19 abbreviated?

20 MS. HURT: Objection to form.

21 BY MR. HUGHES:

22 Q. How many months was it roughly?

23 A. We started work on this mid-April, and
24 at that time the report was due approximately
25 mid-August. So May, June, July, August. Four

1 months? Am I doing my math right? It would be an
2 awful lot to do to get an expert report together
3 in four months. I had a lot of people doing a lot
4 of different things.

5 Q. Okay. All right. So from a perspective
6 of being an expert historian in a case, four
7 months -- if you had your druthers, you would
8 rather have more than four months to do a project
9 like this; is that true?

10 A. It is true. Because there are many
11 things in historical research that are out of the
12 historian's control, like how many hours can you
13 work at the Archives? How many hours can you go
14 to the Library of Congress? You don't want to be
15 gone forever. But four-month would be a very
16 tight schedule. Obviously that changed, which was
17 helpful.

18 Q. If you look at page 25 going to 26 of
19 this report from Dr. Longley, do you see the
20 string cites with excerpts from other oral
21 histories on the U.S. Marines website?

22 A. You said 25 on to 26?

23 Q. Yes.

24 A. Yes, I see this. I've seen this before.

25 Q. And you can see how it is referencing

1 here things like the commissary, NCOs, Tarawa
2 Terrace, et cetera; correct?

3 A. Yes, I see those things you just
4 mentioned.

5 Q. Would you agree that culling this sort
6 of information can be useful in terms of
7 historical methodology on a topic like the history
8 of Lejeune and the water contamination and water
9 use at Lejeune?

10 MS. HURT: Objection to form.

11 THE WITNESS: Yes, it certainly could
12 prove useful.

13 BY MR. HUGHES:

14 Q. At page 27, do you see the notes for the
15 Allan Howard witness dated August 2024? Do you
16 see that?

17 A. Yes, toward the bottom, yes.

18 Q. Now, as I understand your testimony, a
19 formal full-fledged oral history would have a
20 recording and a transcript. It wouldn't be just
21 be paraphrase or a summary; correct?

22 A. Correct.

23 Q. However, you will agree that a
24 historian, it's not required for a historian have
25 to have a reliable methodology for him only to use

1 witness sources if he records them and does a
2 formal oral history; correct?

3 MS. HURT: Objection to form.

4 THE WITNESS: I'm sorry; you lost me
5 there for a minute.

6 BY MR. HUGHES:

7 Q. We talked about earlier how there was a
8 formal oral history process that you've discussed
9 that has things in it like recording. Perhaps a
10 transcript is generated. The transcript or
11 recording is archived. The witness is allowed to
12 talk back, et cetera?

13 A. Yes.

14 Q. And the questions need to be calibrated
15 so they are not slanted towards one side, et
16 cetera; right?

17 A. Correct.

18 Q. But we have talked about how a historian
19 can, if the circumstances are appropriate, they
20 can rely on information from another person
21 without having to do a full-fledged oral history
22 of that person; correct?

23 A. Correct.

24 Q. And in this instance here, would this
25 document from the conversation between Dr. Longley

1 and Mr. Howard, we see something that stops short
2 of being a full-fledged oral history with a
3 recording and transcript; correct?

4 MS. HURT: Objection to form.

5 THE WITNESS: Yes.

6 BY MR. HUGHES:

7 Q. But you would not say that Dr. Longley's
8 method is unreliable simply because he cited to
9 this document from Howard that was less than a
10 full transcript; correct?

11 MS. HURT: Objection to form.

12 THE WITNESS: Yes, he provided, you
13 know, notes from this conversation.

14 BY MR. HUGHES:

15 Q. All right. Page 34. That's one of the
16 photos of President Kennedy at Camp Lejeune;
17 correct?

18 A. Yes, it is.

19 Q. Can you tell from the photo where he is?

20 A. We can't tell from this photo, although
21 I think in the newspaper article, either this one
22 or around it, they were launching an amphibious
23 landing at Onslow Beach, but I would have to check
24 that.

25 Q. Okay. If you look at the next page, you

1 see them sitting. That could be like an
2 observational type bleachers type thing, couldn't
3 it?

4 MS. HURT: Objection to form.

5 THE WITNESS: Yeah, it could be the same
6 structure from the previous photograph where they
7 were standing.

8 BY MR. HUGHES:

9 Q. And President Kennedy is wearing
10 sunglasses, which might be consistent with being
11 in a brightly lit outdoor environment?

12 A. Yeah, it appears to be an outdoor
13 photograph.

14 Q. Yes, sir. And again, those are ways
15 that a photograph can provide data in addition to
16 the data that tests can provide as a matter of
17 historical method; correct?

18 A. Yes.

19 Q. And then the photo below that on 35
20 shows President Reagan at Camp Lejeune in 1983;
21 correct?

22 A. Yes.

23 Q. On page 36 we see North Carolina
24 Governor Jim Hunt at Camp Lejeune in 1979;
25 correct?

1 A. Yes, Jim Hunt.

2 (Whereupon, Deposition Exhibit
3 No. 7 was marked for
4 identification.)

5 BY MR. HUGHES:

6 Q. Sir, if you look at Exhibit 7, do you
7 recognize this as your 2007 report for Harrington,
8 AKA Raytheon?

9 A. I do.

10 Q. Okay. If we look at pages 36 and 37 of
11 this report, do you see the references in the
12 report to the testimony of Burt Bickerstaff?

13 A. 36 did you say, sir?

14 Q. Yes, sir, page 36 and 37. And we talked
15 about this earlier. This shows your report citing
16 some testimony from Bickerstaff; correct?

17 A. Correct.

18 Q. The testimony is in a deposition. We
19 can see that at the bottom of the 37 in the
20 footnotes; right?

21 A. Yes, March 15th, 2001, yes.

22 Q. The deposition was taken in 2001;
23 correct?

24 A. Correct.

25 Q. And what he is talking about dates all

1 the way back to the 40s; correct?

2 A. Yes.

3 Q. And if we look at page 38, we see
4 references to three other depositions; correct?
5 At the bottom of the page?

6 A. Yes.

7 Q. Those were all taken in 2001; correct?

8 A. Yes.

9 Q. But they were all regarding events
10 happening in the 40s; correct?

11 A. Yes, during World War II.

12 Q. Okay.

13 (Whereupon, Deposition Exhibit
14 No. 8 was marked for
15 identification.)

16 BY MR. HUGHES:

17 Q. If you look at this Exhibit 8, have you
18 seen that document before?

19 A. Yes, I have.

20 Q. When did you see it?

21 A. Recently.

22 Q. Okay. Do you know what it shows?

23 A. I believe it's Mr. McElhiney and his
24 wife.

25 Q. Yeah. Do you know where they are?

1 A. Well --

2 Q. Does it appear to be a machine or a
3 repair type shop?

4 A. Yes, it appears to be some sort of
5 engine to the left of the photograph.

6 Q. And do we see what looks like a drum
7 container over on the left in the photo under the
8 fan?

9 A. Yes.

10 Q. And we see what looks like an engine or
11 part of an engine in the foreground; right?

12 A. Yes.

13 Q. Okay. But you and your team have not
14 looked at the topic of where the spent solvents or
15 wastes from facilities like this went to; correct?

16 A. That's correct.

17 (Whereupon, Deposition Exhibit
18 No. 9 was marked for
19 identification.)

20 BY MR. HUGHES:

21 Q. If you look at Exhibit 9, have you seen
22 this one before?

23 A. I don't think I have.

24 Q. I will represent that it is a photo of
25 the same fellow, McElhiney. Looking at the

1 building in back of him, can you tell what that
2 is?

3 A. No, I cannot.

4 Q. Do you see a window AC unit?

5 A. Yes, on the left.

6 Q. Camp Lejeune is in the southeastern
7 U.S.; correct?

8 A. Yes.

9 Q. The environment there can be hot;
10 correct?

11 A. Yes.

12 Q. It could be very sunny?

13 A. Yes.

14 Q. It can be humid; right?

15 A. Yes.

16 Q. Young Marines in their normal course of
17 activities at the base in the 60s or the 70s could
18 go out in the field to do training or exercises
19 from time to time; correct?

20 A. Certainly.

21 Q. In that situation, they may develop a
22 thirst; correct?

23 A. Yes.

24 Q. They also might sweat and might need to
25 take a shower; correct?

1 A. Yes.

2 Q. Marines generally would shave; correct?

3 A. Yes.

4 Q. That would involve use typically of hot
5 water; correct?

6 A. Yes.

7 (Whereupon, Deposition Exhibit
8 No. 10 was marked for
9 identification.)

10 BY MR. HUGHES:

11 Q. If you look at Exhibit 10, I will
12 represent that this exhibit -- the Bates numbers
13 are chopped off, but this is document -- this is
14 an excerpt of pages from a document in the court
15 ordered repository in our case. Okay?

16 A. Okay.

17 Q. And this particular document, I'll
18 represent, this is some images from one of the
19 surviving well logs. You can see on the front of
20 it says "well" handwritten, among other things;
21 right?

22 A. Yes, "well" and something illegible, S
23 and L and plus PL.

24 Q. Now, if you finger through, you have not
25 looked at this document or documents like this

1 before, have you?

2 MS. HURT: Objection to form.

3 THE WITNESS: I have not.

4 BY MR. HUGHES:

5 Q. Have you looked at documents like this
6 before?

7 A. Let me take a moment.

8 Q. I could rephrase and say you have not
9 cited to any well logs in your report?

10 A. No, I'd have not cited to well logs.
11 This looks vaguely familiar, especially some of
12 the material on page 3.

13 Q. And I will represent that this
14 particular well log is not from Hadnot or Tarawa,
15 to the best of my knowledge.

16 But if you look in a couple of pages, do
17 you see on the third page in you can see the
18 handwritten references to Building Number 110 on
19 the left; right?

20 A. Yes.

21 Q. And you see these dates?

22 A. At the top?

23 Q. It starts as 75 and goes all the way
24 down to the 80s; right?

25 A. Yes.

1 Q. Which would indicate that this document,
2 this well log was in existence and was being used
3 as far back as 1975; correct? Based on this page.

4 A. Yes.

5 Q. And being used as far forward as 1986,
6 based on this page; right?

7 A. Yes.

8 Q. And at the top it says: Pump and motors
9 greased, excluding wells; right?

10 A. Yes.

11 Q. So these logs might have had information
12 about things besides supply wells for the water
13 treatment plants; right?

14 MS. HURT: Objection to form and
15 foundation.

16 THE WITNESS: I'm looking at it.

17 BY MR. HUGHES:

18 Q. For example, there might have been logs
19 kept of water treatment plants?

20 A. Right. I'm not a hundred percent sure.

21 Q. And it's hard to tell from looking at
22 this if this is log about wells, or the treatment
23 plant, or both, or neither; right? It's hard to
24 tell?

25 A. I would agree with that.

1 Q. But you were not -- you did not have as
2 a topic to go review, or have your team review,
3 any surviving well logs or water treatment plant
4 logs of this nature; correct?

5 A. That's correct.

6 Q. And you were not given the topic of
7 trying to track down any of the people who wrote
8 the entries in these type of logs; correct?

9 A. That's correct.

10 Q. You have no understanding, sitting here
11 today, whether well or treatment plant logs were
12 still in existence as of the early 1980s when the
13 site became a Superfund site; correct?

14 MS. HURT: Objection to form.

15 THE WITNESS: Correct.

16 BY MR. HUGHES:

17 Q. And you were not given any task to go
18 and look historically at how it came to be that
19 well logs, or water treatment plant logs if they
20 existed as of the early 80s, were then lost? You
21 did not look at that topic; correct?

22 MS. HURT: Objection to form.

23 THE WITNESS: Correct.

24 BY MR. HUGHES:

25 Q. And you have not looked at the topic of

1 whether the Navy had a duty to retain any extant
2 treatment plant logs or well logs as of the early
3 1980s; correct?

4 MS. HURT: Objection to form.

5 THE WITNESS: No, we never looked into
6 that or a record retention schedule or anything.

7 BY MR. HUGHES:

8 Q. Okay.

9 (Whereupon, Deposition Exhibit
10 No. 11 was marked for
11 identification.)

12 BY MR. HUGHES:

13 Q. Sir, Exhibit 11 is a copy of
14 Mr. Partain's thesis. Do you see that on the
15 first page?

16 A. Yes, I do.

17 Q. Have you seen this document before?

18 A. No.

19 Q. Okay. Do you have any knowledge or
20 whether anyone in your team at your firm has
21 looked at this document before in connection with
22 this project?

23 A. I don't believe so.

24 Q. Did you know this document existed
25 before I'd showed it to you today?

1 A. I heard Mr. Partain, in the video that
2 we've discussed, discuss his masters thesis.

3 Q. I take it the Government never sent you
4 a copy of this thesis to look at to your
5 knowledge?

6 A. Not to my knowledge.

7 Q. You can see that the title of the thesis
8 includes the phrase "public history"; right?

9 A. Yes, public history efforts, yes.

10 Q. The first page, Introduction, talks
11 about the EPA?

12 A. Just a moment. Okay. I'm there.

13 Q. The first page on the introduction
14 describes that the EPA did a national priority
15 list designation for Lejeune as of 1989. Do you
16 see that?

17 A. Yes.

18 Q. You've not done any investigation to see
19 whether any well logs for the source wells used
20 for the water treatment plants were still in
21 existence as of 1989; right?

22 MS. HURT: Objection to form.

23 THE WITNESS: That's correct.

24 BY MR. HUGHES:

25 Q. You do not know, sitting here today,

1 whether any logs for the wells or the plants for
2 Hadnot or Tarawa were still in existence as of
3 1989; correct?

4 MS. HURT: Objection to form.

5 THE WITNESS: Correct.

6 BY MR. HUGHES:

7 Q. Look at the top of page 2. Do you see
8 the quote from Tom Crouch?

9 A. Yes.

10 Q. Would you agree with that as a general
11 definition of what a public historian does?

12 A. Well, certainly, I think he gets to the
13 point of academic historians.

14 Q. So you agree with that?

15 A. Yes.

16 Q. All right. And it says the National
17 Council on Public History's website describes the
18 public historian as routinely engaging and
19 collaborating with their community as well as
20 their peers. Would you agree with that statement?

21 A. I don't disagree with it, but like I
22 testified earlier, public history is many
23 different things.

24 Q. I understand. Do you see at the second
25 full paragraph on page 2 Mr. Partain discloses

1 that he is a stakeholder. You see that?

2 A. I do.

3 Q. And your understanding -- I will just
4 represent, he is a Plaintiff in the case. Did you
5 know that before now?

6 A. Yes.

7 MS. HURT: Objection to form.

8 BY MR. HUGHES:

9 Q. Do you agree with me that someone can be
10 a historian even if they also have another stake
11 in the matter? In other words, the mere fact that
12 somebody might allege that they were injured by
13 the water at Lejeune does not categorically
14 disqualify them from potentially being a reliable
15 historian. Would you agree?

16 MS. HURT: Objection to form.

17 THE WITNESS: Yes, and I believe he did
18 the right thing here by disclosing that he is a
19 stakeholder.

20 BY MR. HUGHES:

21 Q. Yes, sir. If you look at page 4 at the
22 top, you will see where he refers to having an
23 undergrad degree in history and that he worked as
24 a history teacher?

25 A. Yes.

1 Q. And he worked as a claims investigator
2 for an insurance company. Would you agree with me
3 that that kind of background could be of
4 assistance in terms of being a good historian?

5 MS. HURT: Objection to form.

6 THE WITNESS: Yes, I think on both
7 points.

8 BY MR. HUGHES:

9 Q. And then by the bottom of the page he
10 refers to the website, The Few, the Proud.

11 A. Yes.

12 Q. Have you gone through that website
13 yourself?

14 A. I went through portions of it. I didn't
15 go through the entire website.

16 Q. As far as you could tell looking at it,
17 did the website appear to reflect someone acting
18 as a reliable public historian?

19 MS. HURT: Objection to form.

20 THE WITNESS: I didn't find anything
21 particularly erroneous in it. Again, I haven't
22 taken a deep dive into it.

23 BY MR. HUGHES:

24 Q. And we talked earlier about how the
25 timeline on the website gives the start date of

1 ABC as 1953; correct?

2 A. Yes.

3 Q. And your report, based on the evidence
4 that we have gone through, says that you believe
5 the start date actually is more likely 1954;
6 correct?

7 MS. HURT: Objection to form.

8 THE WITNESS: That's correct.

9 BY MR. HUGHES:

10 Q. But you will agree with me that the mere
11 fact -- let's say that is proven true and that the
12 fact on the website -- on Mr. Partain's website
13 that says 1953 is proven to be inaccurate. You
14 would agree with me that does not disqualify him
15 from being a reliable public historian, does it?
16 Because historians can make mistakes and they can
17 correct them; right?

18 MS. HURT: Objection to form.

19 THE WITNESS: Historians can make
20 mistakes and we can correct them, and we continue
21 to do research that might give us new conclusions.

22 BY MR. HUGHES:

23 Q. So you would agreed with me that, number
24 one, you believe as a historian that the start
25 date for ABC was '54, not '53; correct?

1 A. Yes.

2 Q. But you would also agree that
3 Mr. Partain can still be a reliable public
4 historian, notwithstanding the fact that he came
5 to a different conclusion than you did as to the
6 start date?

7 MS. HURT: Objection to form.

8 THE WITNESS: Yes. In the instance of
9 ABC One Hour Cleaners, my choice of June of 1954
10 is based on the research that my staff and I did.

11 BY MR. HUGHES:

12 Q. I understand. Do you think that someone
13 needs to have a Ph.D. in history to be qualified
14 as an expert in history for court purposes?

15 A. No, I know people who don't have Ph.D.s
16 who have given testimony in court.

17 Q. As historians?

18 A. Yes.

19 Q. As historian experts?

20 A. Yes.

21 Q. Give me an example.

22 A. A number of years ago I had a
23 navigability for title project, and a person from
24 a firm similar to MorganAngelBrigham testified and
25 the individual had his master's degree.

1 Q. From what you've seen of Mr. Partain,
2 could he be qualified as a historian expert?

3 MS. HURT: Objection to form.
4 Foundation.

5 THE WITNESS: I can't say one way or
6 another. I'd have to just do more review.

7 BY MR. HUGHES:

8 Q. Okay. Well, we encourage you to do
9 that. If you look at page 6 going into page 7 of
10 his report, at the bottom of page 6, he says: A
11 final goal of this paper and project is to
12 memorialize this work in an academic database such
13 as the University of Central Florida's
14 STARS(Showcase of Text, Archives, Research and
15 Scholarship) Digital Repository and preserve the
16 Camp Lejeune Community Digital Archive in a
17 sustainable manner for future scholars to utilize.
18 Do you see that language?

19 A. Yes.

20 Q. From what you have seen of the The Few
21 and the Proud website, would you agree with me
22 that it has useful historical information on it?

23 MS. HURT: Objection to form.

24 THE WITNESS: Yes.

25 BY MR. HUGHES:

1 Q. And would you agree with me that all
2 else being equal, preserving it would be a good
3 thing from a historian's point of view?

4 MS. HURT: Objection to form.

5 THE WITNESS: Yes. As I said, I think
6 preserving documentation is very important.

7 BY MR. HUGHES:

8 Q. If you look at page 9 of Mr. Partain's
9 thesis, page 9 refers to the Naval Facilities
10 Engineering Systems Command (NAVFACENGCOM or
11 LANTDIV). Do you see that?

12 A. Yes.

13 Q. Did you speak with any personnel
14 associated with LANTDIV?

15 MS. HURT: Objection to form to the
16 extent he has had conversations with the United
17 States Department of Justice present or other
18 experts. Under CM017 paragraph 3, this prevents
19 disclosure, as well as under the attorney work
20 product, subject to Rule 26.

21 BY MR. HUGHES:

22 Q. Okay. Did you or your staff go to any
23 LANTDIV archives?

24 A. No.

25 Q. Do you know who Jay Wallmeyer is?

1 W-A-L-L-M-E-Y-E-R?

2 A. That doesn't sound familiar, as I sit
3 here.

4 Q. Okay. Do you know anything about a Jay
5 Wallmeyer memo that was lost and then has been
6 searched for that pertained to Lejeune?

7 MS. HURT: Objection to form and
8 foundation.

9 THE WITNESS: No, that's not familiar to
10 me.

11 BY MR. HUGHES:

12 Q. Okay. If you look at page 10, middle of
13 the page it talks about LANTDIV and then it
14 mentions Jennings Laboratory. Do you see the
15 mention of Jennings laboratory?

16 A. Yes, I do.

17 Q. In your work for Lejeune, this project,
18 did you reach out to any of the laboratories, the
19 private vendors that did laboratory work over the
20 years for Lejeune?

21 A. No.

22 Q. You never tried to reach out and find
23 additional historical information on something
24 called Granger Laboratories; correct?

25 A. I've heard -- I've seen reference to

1 Granger as parts of the project, but we did not
2 reach out to Granger.

3 MS. HURT: Time for another break?

4 MR. HUGHES: Yeah, yeah, yeah. Let's go
5 off.

6 THE VIDEOGRAPHER: We are off the record
7 at 15:22.

8 (Whereupon, the deposition was recessed
9 from 3:22 p.m. to 3:32 p.m.)

10 THE VIDEOGRAPHER: We are on the record
11 at 15:32.

12 BY MR. HUGHES:

13 Q. If you look at page 35, Dr. Brigham, of
14 the Partain thesis.

15 A. Okay.

16 Q. Do you see the middle paragraph that
17 begins with: During the course of our historical
18 investigation. Do you see that?

19 A. I do.

20 Q. He said: And we discovered the
21 existence of a dark archive in the form of a Navy
22 electronic Underground Storage Tank Library. Do
23 you see that?

24 MS. HURT: Objection to form.

25 THE WITNESS: Yes.

1 BY MR. HUGHES:

2 Q. It says: The Navy password protected
3 the electronic portal, but it was revealed after a
4 scientist at the ATSDR was mistakenly given the
5 passwords and access to the site. We were made
6 aware of its existence at a CAP meeting.

7 Do you know what CAP meetings are?

8 A. No, I don't.

9 Q. Do you know whether there are
10 transcripts of Community Assistance Panel meetings
11 spanning a variety of years with historical
12 information contained in those public transcripts?

13 MS. HUNT: Objection to form.

14 THE WITNESS: I do not.

15 BY MR. HUGHES:

16 Q. You have not been given any CAP
17 transcripts to look at to your knowledge?

18 A. I have not.

19 Q. And you have not investigated this issue
20 of whether there was an archive that was revealed
21 inadvertently; correct?

22 MS. HURT: Objection to form and
23 foundation.

24 THE WITNESS: No, I have not.

25 BY MR. HUGHES:

1 Q. You can see where Mr. Partain references
2 the informational library was heavily redacted
3 because of FOIA. Do you see that?

4 A. I do.

5 Q. You have made no effort to see
6 unredacted copies of any of those documents;
7 correct?

8 MS. HURT: Objection to form.

9 THE WITNESS: I have not.

10 BY MR. HUGHES:

11 Q. At the bottom it says: The portal
12 contained extensive details and reports on the
13 loss of an estimated 1.5 million gallons of fuel
14 from the base's Hadnot Point Fuel Farm.

15 You see that; right?

16 A. Yes.

17 Q. But you have not been charged to go back
18 and see if there is any other information
19 regarding the fuel farm; correct?

20 MS. HURT: Objection to form. And this
21 covers attorney work product conversations that
22 might have been had between the Department of
23 Justice and our expert witness, Dr. Brigham, that
24 is privileged.

25 BY MR. HUGHES:

1 Q. Okay. But that did not become a topic
2 in your report; right?

3 A. It did not.

4 Q. Okay.

5 (Whereupon, Deposition Exhibit
6 No. 12 was marked for
7 identification.)

8 BY MR. HUGHES:

9 Q. The last exhibit I'm giving you is
10 Exhibit 12. This is a collection of photos from
11 back issues of The Globe, primarily. Can you turn
12 to the very last page of it.

13 A. I have turned to the last page.

14 Q. Do you see the standpipe photo that was
15 in your report and in one of Dr. Longley's report,
16 but now it is with the article. Do you see that?

17 MS. HURT: Objection to form.

18 THE WITNESS: Could you repeat the last.

19 BY MR. HUGHES:

20 Q. Sure. At the top of page 56, the last
21 page of this document on the right, do you see the
22 standpipe photo that is also in one of your
23 reports?

24 A. Yes.

25 Q. And that standpipe photo was also in one

1 of Dr. Longley's reports?

2 A. Yes.

3 Q. Okay. To the left of the standpipe
4 photo, do you see text?

5 A. Yes.

6 Q. Do you recall whether the standpipe
7 photo had text that accompanied it in The Globe?

8 A. Let me read this text. Give me a
9 moment.

10 Q. Take your time.

11 A. Yes, I do recall this text and this
12 individual writing about the leaks and whatnot.

13 Q. Okay. And if we go to the page before,
14 you will see at the top is the photo of the
15 standpipe from Dr. Longley's report from
16 January 2025. And then at the bottom is an image
17 from the cover of that issue of The Globe showing
18 the December 4, 1975, date. Do you see that?

19 A. Yes, I do.

20 Q. Okay. So if we go back to the very last
21 page, it looks like it begins with a letter
22 written in by Staff Sergeant C.T. Frederick;
23 correct?

24 A. Yes.

25 Q. And it says: Since we are suppose --

1 probably needed a "D" -- to be so energy conscious
2 aboard Camp Lejeune, I was wondering who is
3 responsible for that water main located beside the
4 base fire station Building 1400.

5 Do you see that so far?

6 A. I do.

7 Q. And then he says, quote: This water
8 main has been constantly leaking for the past
9 year. I have noticed Marines filling up water
10 buffalos, et cetera, turn it off, and it still
11 leaks.

12 Do you see that?

13 A. Yes.

14 Q. So that text in the letter from
15 Frederick uses the phrase "water buffalos."
16 Correct?

17 A. Yes.

18 Q. And it says -- we can see my little blue
19 arrow next to it. But he actually noticed Marines
20 filling up water buffalos; correct?

21 A. Yes.

22 Q. And below it we see in bold face where
23 it says that The Globe contacted the base
24 maintenance officer; right?

25 A. Yes.

1 Q. And then it says: Several years ago, in
2 order to enable various units aboard the base to
3 fill their water buffalos, the water main near
4 HP1400 was tapped and a one-quarter inch standpipe
5 with valve was installed.

6 Did I read that correctly?

7 A. Yes.

8 Q. And then it says: Base maintenance
9 department personnel replaced this valve on an
10 average of twice a year due primarily to the fact
11 that using units do not securely close the spout
12 after filling their water buffalos. This causes
13 the seat of the valve to become scored
14 necessitating replacement.

15 Did I read that correctly?

16 A. You did.

17 Q. And it refers to there the phrase
18 "filling their water buffalos" unquote; correct?

19 A. Yes.

20 Q. Would you agree that this document that
21 we just looked at supports the proposition that
22 water buffalos were filled at the standpipe at
23 Hadnot Point as of 1975?

24 A. Yes.

25 Q. All right. Those are all the questions

1 I have.

2 MS. HURT: So we will take a break, 10
3 minutes.

4 THE VIDEOGRAPHER: We are off the record
5 at 15:40.

6 (Whereupon, the deposition was recessed
7 from 3:40 p.m. to 5:00 p.m.)

8 THE VIDEOGRAPHER: We are on the record
9 at 17:00.

10 EXAMINATION BY COUNSEL FOR DEPARTMENT OF JUSTICE
11 BY MS. HURT:

12 Q. Dr. Brigham, I'm going to hand you
13 Exhibit 1. It is your December 9, 2024, report in
14 this case. Can you turn to the first page of the
15 report.

16 A. I've done so.

17 Q. The first paragraph, five lines down, it
18 says: I, as the expert witness, signed a contract
19 with the Department of Justice to review
20 historical documents and write an expert witness
21 report examining historical issues pertinent to
22 the distribution of water to the areas of Camp
23 Lejeune relevant to the current litigation during
24 the CLJA statutory period from August 1953 to
25 December 1987.

1 Did I read that correctly?

2 A. Yes, you did.

3 Q. Is this an accurate representation of
4 what the Department of Justice hired you to do in
5 this case?

6 A. Yes, it is.

7 Q. Would you consider yourself an expert in
8 oral history methodology?

9 A. No.

10 Q. Between you and Dr. Kelman, who is in a
11 better position based on experience and training
12 to evaluate oral history methodology?

13 A. Dr. Kelman.

14 Q. Between you and Dr. Kelman, who is in a
15 better position, based on experience and training,
16 to evaluate interviews that were conducted for the
17 purposes of oral methodology?

18 A. Dr. Kelman.

19 Q. And who would rely on any of those
20 interviews done under his oral history
21 methodology?

22 A. That would also be Dr. Kelman.

23 Q. And was it within your scope of your
24 opinions to opine on oral history methodology?

25 A. No.

1 Q. Dr. Brigham, I'm going to hand you
2 Exhibit 2. You can put that -- actually right
3 there. Exhibit 2 is your February 7th, 2025,
4 report in this litigation; correct?

5 A. Yes.

6 Q. We are going to turn to page 2.

7 A. I have turned to page 2.

8 Q. Point 5. It states: In fact, although
9 Dr. Longley, in other parts of his report, cites
10 certain portions of General Anthony Zinni's
11 deposition of May 28, 2024, he fails to cite the
12 part of General Zinni's testimony that notes that
13 there was a water buffalo filling station at Camp
14 Geiger. And although Dr. Longley cites Gary
15 McElhiney's Sr.'s deposition in his report, he
16 does not reference Mr. McElhiney's statement that
17 a water filling station was located at Court House
18 Bay. Similarly, when Dr. Longley selectively
19 cites Benjamin Urquhart's deposition, he fails to
20 include Mr. Urquhart's testimony that there were
21 water buffalo filling stations in numerous
22 locations on base.

23 Did I read that correctly?

24 A. Yes, you did.

25 Q. And did you put this in your report to

1 bring in new facts or did you put it into your
2 report to analyze why you selected citations to
3 the deposition of General Zinni?

4 BY MR. HUGHES: Object to form, you can
5 answer.

6 THE WITNESS: I brought it in to
7 highlight Dr. Longley's -- I don't remember
8 exactly how the question read, but I did not bring
9 it in to introduce new facts. I brought it in to
10 point out Dr. Longley's selective use of
11 deposition testimony.

12 BY MS. HURT:

13 Q. And the selective deposition testimony
14 that Dr. Longley selected from was Zinni and
15 Urquhart; correct?

16 A. Yes.

17 Q. You had access to Zinni's deposition
18 transcript in this litigation prior to your
19 December 9th, 2024, report; correct?

20 A. Yes.

21 Q. And you reviewed Zinni's deposition
22 prior to reaching the ultimate conclusions in your
23 December 9th, 2024, report; correct?

24 A. Yes, I did.

25 Q. And did this change your opinions in any

1 way?

2 A. No.

3 Q. I want to look at Exhibit 3.

4 A. Thank you.

5 Q. Exhibit 3 is the deposition transcript
6 for Richard Benz in the Camp Lejeune Water
7 Litigation, Exhibit 3. Can you turn to page 25.

8 A. Yes, give me one moment.

9 Q. And this would be the transcript
10 page 25.

11 A. Okay. I'm to that page.

12 Q. So Line 21. Question: How many trips
13 did you make on the bus over to Mainside?

14 Answer: A day?

15 Question: Sure.

16 Answer: We would go leave Friday after
17 we get back to the base and take a trip over to
18 Main Base.

19 Question: How many times did you do
20 that while you were at Camp Lejeune?

21 Answer: During one year 10 months,
22 every other week. At least I would say over 75
23 times.

24 Question: Over 57 times?

25 Answer: I could be wrong or I could be

1 right.

2 Did I'd read that correctly?

3 A. Yes, you did.

4 Q. And can you turn to page 42 of the
5 deposition transcript.

6 A. I've done so.

7 Q. Line 4. Question: There is no specific
8 building here listed -- sorry, let me start over.

9 Question: There is no specific building
10 here listed and you don't recall the exact
11 building you lived in, do you?

12 Answer: No, it was like 50-something
13 years ago.

14 Question: And you don't remember the
15 name of the building?

16 Answer: No. It had no names. I think
17 it had numbers on the building.

18 Did I read that correctly?

19 A. Yes, you did.

20 Q. Thank you. Turn to page 48.

21 A. I've done so.

22 Q. Line 11.

23 Question: Do you know approximately
24 where the mess hall or chow hall was?

25 Answer: I can't recall.

1 Question: Was there more than one?

2 Answer: No.

3 Did I read that correctly?

4 A. Yes, you did.

5 Q. Are you qualified to opine on the
6 science in the ATSDR reports?

7 A. No.

8 Q. And do you hold yourself as an expert in
9 the science used in the ATSDR reports?

10 A. No.

11 Q. And do you have an opinion on the
12 reliability of the science that was used in the
13 ATSDR reports?

14 A. I do not.

15 Q. Is it your understanding you had access
16 to all non-plaintiff-specific documents produced
17 in this litigation?

18 A. Yes, it is.

19 MS. HUNT: The United States can
20 represent on the record that the documents in the
21 court mandated document repository were made
22 available to Dr. Brigham as the United States
23 received them in electronic format.

24 BY MS. HUNT:

25 Q. Do you have -- did you have any input

1 into the locations you visited when you were at
2 Camp Lejeune?

3 A. Only insofar as when I visited the
4 library.

5 MS. HUNT: Okay. No further questions.

6 BY MR. HUGHES: No further questions.

7 THE VIDEOGRAPHER: Stand by. We are off
8 the record at 17:09.

9 (Whereupon, at 5:09 p.m., the deposition
10 was adjourned.)

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CERTIFICATE OF NOTARY PUBLIC

I, JOE W. STRICKLAND, RPR, CRR, CRC, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotypy and thereafter reduced to print under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

<%11099,Signature%>

JOE W. STRICKLAND, RPR, CRR, CRC

Notary Public, in and for

The District of Columbia

My Commission Expires: November 30, 2026

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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